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JOURNAL  
OF THE  
UNITED STATES  
IN CONGRESS ASSEMBLED:  
CONTAINING  
THE PROCEEDINGS  
FROM

THE SIXTH DAY OF NOVEMBER, 1786,

TO

THE FIFTH DAY OF NOVEMBER, 1787.

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VOL. XII.

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PUBLISHED BY ORDER OF CONGRESS.

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# JOURNAL

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## C O N G R E S S.



M O N D A Y, *November 6, 1786.*

**P**URSUANT to the articles of confederation and perpetual union, the following gentlemen attended as delegates.

From Massachusetts,	Mr. Gorham and Mr. King.
New-York,	Mr. Lawrance, Mr. Haring and Mr. Smith.
New-Jersey,	Mr. Hornblower.
Pennsylvania,	Mr. Pettit and Mr. Bayard.
Maryland,	Mr. Henry and Mr. Ramsay.
South-Carolina,	Mr. Bull, Mr. Pinckney, Mr. Kean and Mr. Huger.
Georgia,	Mr. Few.

T U E S D A Y, *November 7, 1786.*

The same as yesterday ; and from Maryland, Mr. Hindman, and from North-Carolina, Mr. Blount.

M O N D A Y,

MONDAY, *November 13, 1786.*

The same as before.

MONDAY, *November 20, 1786.*

The following gentlemen attended ;

From Massachusetts, Mr. King.

New-York, Mr. Lawrance, Mr. Haring and  
Mr. Smith.

New-Jersey, Mr. A. Clarke.

Pennsylvania, Mr. Meredith and Mr. Bingham.

Maryland, Mr. Henry and Mr. Ramsay.

Virginia, Mr. Grayson and Mr. Carrington.

North-Carolina, Mr. Blount.

South-Carolina, Mr. Kean, Mr. Huger and Mr.  
Parker.

Georgia. Mr. Few.

FRIDAY, *November 24, 1786.*

The same as before ; and from New-Jersey, Mr. Scheurman, and from Maryland, Mr. Harrison.

MONDAY, *December 4, 1786.*

The following gentlemen attended, viz.

From Pennsylvania, Mr. Meredith.

Maryland, Mr. Henry, Mr. Harrison and  
Mr. Ramsay.

Virginia, Mr. Grayson and Mr. Carrington.

North-Carolina, Mr. Blount.

South-Carolina, Mr. Pinckney and Mr. Parker.

Georgia, Mr. Few.

Mr. Blount informed, that the honorable Abner Nash, his colleague, died on Saturday last, having directed his corpse to be deposited in his family vault in North-Carolina ; Mr. Blount, therefore, desired to know whether it would be necessary that the rites of burial should be performed here, and if so, in what mode. Whereupon the gentlemen were of opinion, that the rites of funeral be performed here  
in

in the forenoon in the usual mode, and that Mr. Blount, Mr. Carrington and Mr. Pinckney superintend the funeral.

After this time the gentlemen attended occasionally 'till the 17th January, 1787, when Congress assembled as follows :

### W E D N E S D A Y, *January 17, 1787.*

Congress assembled---Present,

Massachusetts, Mr. R. King and Mr. N. Dase.

Connecticut, Mr. W. S. Johnson and Mr. S. M. Mitchell.

New-York, Mr. M. Smith and Mr. J. Lawrence.

New-Jersey, Mr. L. Cadwallader Mr. A. Clarke and Mr. J. Scheurman.

Pennsylvania, Mr. W. Irvine and Mr. S. Meredith.

South-Carolina, Mr. I. Bull, Mr. C. Pinckney, Mr. J. Kean, Mr. D. Huger and Mr. J. Parker.

Georgia, Mr. W. Few and Mr. W. Pierce.

And from North-Carolina, Mr. W. Blount.

The credentials of the respective delegates being read. Congress proceeded to the election of a President, but not coming to a choice, adjourned till to-morrow.

### T H U R S D A Y, *January 18, 1787.*

Five states only assembled, namely, Massachusetts, Connecticut, New-Jersey, Pennsylvania and South Carolina, and from New-York, Mr. Smith, and from Delaware, Mr. Nathaniel Mitchell, who produced credentials, by which it appears that Thomas Rodney, and the Hon. N. Mitchell and Gunning Bedford, the elder, Esquires were, on the 27th of October last, elected delegates to represent the said state, from the first Monday in November, 1786, to the first Monday in November, 1787.

### M O N D A Y, *January 19, 1787.*

Five states only assembled, namely, Massachusetts, Con-

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necticut, Pennsylvania, South-Carolina and Georgia; and from New-Jersey, Mr. Cadwallader, from Delaware, Mr. Mitchell, and from North-Carolina, Mr. Blount.

TUESDAY and WEDNESDAY, *January 23, and 24, 1787.*

The same.

THURSDAY and FRIDAY, *January 25, and 26, 1787.*

The same.

Mr. A. St. Clair, a delegate for Pennsylvania, attended.

M O N D A Y, *January 29, 1787.*

Six states attended, namely, Massachusetts, Connecticut, New-Jersey, Pennsylvania, South-Carolina and Georgia; and from Delaware, Mr. N. Mitchell, and from North-Carolina, Mr. Blount.

T U E S D A Y, *January 30, 1787.*

Six states attended, namely, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania and South-Carolina; and from North-Carolina, Mr. Blount, and from Georgia, Mr. Few.

Mr. M. Smith and Mr. E. Benson, the two delegates from New-York, produced credentials, whereby it appears, that on the 26th day of this present month, the senate and assembly appointed the honorable John Haring, Melancton Smith, Abraham Yates, jun. Egbert Benson, and John Lansing, jun. delegates to represent the state of New-York, in the United States in Congress assembled, for the current year.

W E D N E S D A Y, *January 31, 1787.*

Six States only attended, namely, Massachusetts, Connecticut,



Connecticut, New-York, New-Jersey, Pennsylvania and South-Carolina; and from North-Carolina, Mr. Blount, and from Georgia, Mr. Pierce.

THURSDAY, *February 1, 1787.*

Five states assembled, namely, Connecticut, New-York, New-Jersey, Pennsylvania and South-Carolina; and from Massachusetts, Mr. Dane, from Delaware, Mr. Mitchell, from North-Carolina, Mr. Blount, and from Georgia, Mr. Pierce.

FRIDAY, *February 2, 1787.*

Congress assembled---Present, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, South-Carolina and Georgia; and from Delaware, Mr. Mitchell.

Congress proceeded to the election of a President, and the ballots being taken,

The honorable Arthur St. Clair was elected.

On motion of Mr. Pinckney, seconded by Mr. King,

*Resolved*, That a standing committee on qualifications, consisting of five members, be appointed to examine the credentials produced by members, and report thereon from time to time the periods for which the several members are to serve.

The members chosen, Mr. Few, Mr. Cadwallader, Mr. Johnson, Mr. Pinckney and Mr. Benson.

On motion of Mr. King, seconded by Mr. Pinckney,

*Resolved*, That this day be assigned for the election of two chaplains.

Congress proceeded to the election and the ballots being taken, the Rev. Dr. Rogers and the Rev. Dr. Provost were elected; the former having been nominated by Mr. King and the latter by Mr. Pinckney.

SATURDAY, *February 3, 1787.*

Congress assembled---Present as yesterday.

In pursuance of the appointment made on the 10th of September, 1786, of persons to constitute a court to hear and determine the matter in controversy between the states of South Carolina and Georgia, the following gentlemen have signified their acceptance of the office, and that they will attend at New-York at the time appointed, viz.

The hon. A. C. Hanson, by his letter of the 15th October, 1786,

James Madison, by his letter of the 25th September, 1786,

Robert Goldsborough, jun. by his letter of the 28th November, 1786,

James Duane, by his letter of the 26th December, 1786,

Thomas M'Kean, by his letter of the 2d October, 1786,

Egbert Benson, by his letter of the 30th September, 1786, and

William Pynchon, by his letter of the 3d November, 1786.

Mr. John Dickinson and Mr. Philemon Dickinson have declined the appointment, the former by a letter of the 21st November, 1786, and the latter in one of the 10th January, 1787.

A letter from the honorable J. Adams was read, informing that he had exchanged with the Baron Thulemeier, the ratifications of the treaty between the United States of America, and enclosing the ratification thereof by his Prussian majesty.

The Secretary for foreign affairs, to whom was referred a letter to Congress, dated the 9th July, 1786, from his Most Christian Majesty, on the birth of his daughter, reported the draught of an answer, which was agreed to.

The secretary for foreign affairs, to whom was referred a letter of 27th June, 1786, from the honorable J. Adams, reported the draught of a letter to the queen of Portugal, which was agreed to.

On motion of Mr. Pinckney, seconded by Mr. Kean,  
*Resolved*, That all matters which were before the last Congress,

Congress, and left unfinished by them, be taken up in the present, and that all committees appointed by them, and who have not reported, be directed to proceed in the business before them, and report as soon as may be.

M O N D A Y, *February 5, 1787.*

Congress assembled---Present as before, and from Virginia, Mr. Grayson.

On motion of Mr. Kean, seconded by Mr. Smith,

*Ordered*, That the board of treasury report an estimate of the sums necessary for the service of the year 1787, including the interest on the domestic and foreign debt, and so much of the capital of the foreign debt as will fall due within the year.

TUESDAY, WEDNESDAY, THURSDAY and FRIDAY.  
*February 6, 7, 8 and 9.*

Six states only having assembled, namely, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania and South-Carolina; and from Delaware, Mr. Mitchell, from Virginia, Mr. Grayson, and from Georgia, Mr. Few, the president adjourned Congress.

M O N D A Y, *February 12, 1787.*

Congress assembled---Present, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Virginia, South-Carolina and Georgia; and from Delaware, Mr. Mitchell.

Mr. James Madison, a delegate from Virginia, produced his credentials, by which it appears, that on the 7th of November last, he was appointed a delegate to serve in Congress until the first Monday in November, 1787.

The committee on qualifications, consisting of Mr. Few, Mr. Cadwallader, Mr. Johnson, Mr. Pinckney and Mr. Benson, appointed to examine the credentials produced, and report the periods for which the several members are to serve, having reported,

“ That

" That they have examined the commissions produced by the members present, from which it appears that Mr. King and Mr. Dene of Massachusetts, Mr. Johnson and Mr. S. M. Mitchell of Connecticut, Mr. Haring, Mr. Smith and Mr. Benson of New-York, Mr. Clarke, Mr. Cadwallader and Mr. Scheurman of New-Jersey, Mr. St. Clair, Mr. Irvine, Mr. Meredith and Mr. Bingham of Pennsylvania, Mr. N. Mitchell of Delaware, Mr. Grayson and Mr. Madison of Virginia, Mr. Blount of North-Carolina, and Mr. Few and Mr. Pierce of Georgia are elected and duly authorized to act as members of Congress until the first Monday in November next, and no longer.

" That Mr. Bull, Mr. Pinckney, Mr. Kean, Mr. Parker and Mr. Huger of South-Carolina, are authorized to serve until the 21st day of the present month, February."

*Resolved*, That Congress agree to the said report.

T U E S D A Y, *February 13, 1787.*

Congress assembled.--Present, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, North-Carolina and South-Carolina; and from Rhode-Island, Mr. Varnum, from Delaware, Mr. Mitchell, from Virginia, Mr. Madison, and from Georgia, Mr. Few.

Mr. James M. Varnum, a delegate for Rhode-Island, produced credentials, by which it appears that on the first Wednesday in May, 1786, he was duly appointed a delegate to represent the said state in Congress for one year, commencing the first Monday in November, 1786.

Mr. Benjamin Hawkins, a delegate for North-Carolina, produced credentials, by which it appears that he is duly appointed a delegate to represent the said state in the Congress of the United States, and as such to serve the tour of the late honorable Abner Nash, from the 20th December, 1786, until the first Monday in November next.

W E D N E S D A Y, *February 14, 1787.*

Congress assembled.--Present, Massachusetts, Connecticut,

cut, New-York, New-Jersey, Pennsylvania, Virginia, North-Carolina, South-Carolina and Georgia; and from Rhode-Island, Mr. Varnum and from Delaware, Mr. Mitchell.

A draught of an ordinance for regulating the post-office of the United States, was read a first time.

*Ordered*, That Wednesday next be assigned for a second reading.

### T H U R S D A Y, February 15, 1787.

Congress assembled---Present as yesterday, and from Maryland, Mr. Forrest.

The credentials for the delegates for Maryland were read, whereby it appears, that the honorable William Harrison, William Hindman, Uriah Forrest, David Ross and Nathaniel Ramsay, were appointed delegates to represent that state for one whole year, from the second Monday in December.

The post-master-general, to whom were referred sundry motions respecting cross-roads, having reported thereon,

On motion of Mr. Grayson, seconded by Mr. S. M. Mitchell,

*Resolved*, That the post-master-general be, and he is hereby authorized and empowered to grant for a term not exceeding seven years, to any person or persons, who will give satisfactory security for the performance of his or their contract, the exclusive privilege of carrying letters and packets for hire, upon the cross-roads within the state of Virginia, from the city of Richmond to Staunton, in the county of Augusta, and from Winchester, in the county of Frederick, to Staunton; provided, that the postage to be charged by such person or persons for the carriage of letters and packets, shall in no case exceed the rates charged pursuant to the acts of Congress, for similar letters and packets, carried the same distance upon the main post-road; and provided also, that such contract shall not occasion any expence to the general post-office.

### F R I D A Y, February 16, 1787.

Congress assembled---Present as yesterday.

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The committee on qualifications, having reported on the credentials of the delegates for Maryland, thereupon,

On motion of Mr. Mitchell, seconded by Mr. Few,

*Resolved*, That though by the commission of Mr. Forrest, delegate for Maryland, the time for which he is appointed to serve in Congress is not clearly expressed, yet it appears that it was intended by the state, that his appointment should extend from the second Monday of December last until the second Monday in December next, and that the commission will admit of such a construction.

The committee of qualifications, report,

That Mr. Varnum, the delegate attending from the state of Rhode-Island, &c. is duly appointed to serve in Congress for one year, from and after the first Monday in November last.

*Resolved*, That Congress agree to the said report.

M O N D A Y, February 19, 1787.

Congress assembled---Present as before.

The president being absent, Congress proceeded to the election of a chairman, and the ballots being taken,

The honorable Lambert Cadwallader was elected.

The committee, consisting of Mr. King, Mr. Johnson, and Mr. Meredith, to whom was referred a petition of Thomas Ruffel, of Boston, in the state of Massachusetts, praying that sea-letters may be granted for two vessels belonging to him, now at Boston, and bound for the East-Indies, namely, the brig Nathaniel, whereof Moses Brown is master, and the Schooner "The generous Friends," Eli Vickery, master, having reported, "That they are assured that the vessels above-mentioned, with their cargoes, belong to a citizen of the United States, and are navigated by seamen who are citizens of the United States"

*Resolved*, That sea-letters in the usual form, be granted for the said vessels.

The committee, consisting of Mr. Pinckney, Mr. Madison, Mr. King, Mr. Johnson and Mr. Bingham, to whom was referred a motion for directing the secretary at war to issue instructions immediately, to the officers in the recruiting

recruiting service, to suspend any future enlistments of troops under the resolutions of Congress of the 20th October, 1786, until the farther directions of Congress, having reported, "that in their opinion the present circumstances of the United States, make it prudent to postpone, for a short time, a decision on the subject which has been referred to them." And this report being called for as an order of the day, by the state of South-Carolina, and being under debate, a motion was made by Mr. Pinckney, seconded by Mr. Few, that the further consideration of the said report be postponed, in order to take up the following :

"Whereas neither the requisition of the 21st of October, 1786, nor the loans which the board of treasury were directed to make in consequence thereof, for paying and subsisting the troops directed to be raised by the resolutions of the 20th of October last, have yielded the sums expected from the same, and on the prospect of obtaining which, the additional number of 1340 men was alone determined to be raised ; and as the present critical and embarrassed situation of the funds of the United States is such, as not to permit the raising and equipping the whole number of troops mentioned in the said resolutions, without interfering with the more necessary and important purposes of collecting supplies for the maintenance of the civil list, and the contingencies of the federal government, the payment of the interest and such parts of the capital as are and will become due on the foreign loans ; and as it would be highly dangerous and impolitic, either to apply the sums appropriated to these purposes to the maintenance of an additional military establishment, in itself not necessary to the full extent, or to place arms in the hands of a body of disciplined troops, for whose pay and subsistence the United States are not at present, nor will soon probably be in a situation to provide ; therefore resolved, that the secretary at war be, and he is hereby ordered, to issue immediate instructions to the officers, in the recruiting service, to suspend any future enlistments under the resolutions of the 20th of October, until the farther direction of Congress, except so far as to complete the

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corps now in service on the Ohio, or its neighbourhood, to the number of non-commissioned officers and privates ; that he direct the troops already raised, with a suitable proportion of commissioned officers, to rendezvous at ; and that he report to Congress the arrangements necessary for completing the said corps, and for discharging the officers who may have been commissioned, but whose services are by this reduction rendered unnecessary."

On the question to postpone for the purpose above-mentioned, the yeas and nays being required by Mr. Pinckney,

Massachusetts,	Mr. King	no	} no
	Mr. Dane	no	
Rhode-Island,	Mr. Varnum	no	} *
Connecticut,	Mr. Johnson	no	
	Mr. S. M. Mitchell	no	} no
New-York,	Mr. Smith	no	
	Mr. Benson	no	} no
New-Jersey,	Mr. Cadwallader	ay	
	Mr. Clarke	ay	} ay
	Mr. Schuerman	ay	
Pennsylvania,	Mr. Irvine	ay	} ay
	Mr. Meredith	ay	
	Mr. Bingham	ay	} *
Maryland,	Mr. Forrest	no	
Virginia,	Mr. Grayson	ay	} da
	Mr. Madison	no	
North-Carolina,	Mr. Blount	ay	} ay
	Mr. Hawkins	ay	
South-Carolina,	Mr. Bull	ay	} ay
	Mr. Pinckney	ay	
	Mr. Kean	ay	} ay
	Mr. Huger	ay	
	Mr. Parker	ay	} ay
Georgia,	Mr. Few	ay	
	Mr. Pierce	ay	

So the question was lost.

Ordered, That the consideration of the report be postponed.

TUESDAY,



TUESDAY, February 20, 1787.

Congress assembled---Present nine States as before.

WEDNESDAY, February 21, 1787.

Congress assembled---Present as before.

The report of a grand committee, consisting of Mr. Dane, Mr. Varnum, Mr. S. M. Mitchell, Mr. Smith, Mr. Cadwallader, Mr. Irvine, Mr. N. Mitchell, Mr. Forrest, Mr. Grayson, Mr. Blount, Mr. Bull and Mr. Few, to whom was referred a letter of 14th September, 1786, from J. Dickinson, written at the request of commissioners from the states of Virginia, Delaware, Pennsylvania, New-Jersey and New-York, assembled at the city of Annapolis, together with a copy of the report of the said commissioners, to the legislatures of the states by whom they were appointed, being an order of the day, was called up, and which is contained in the following resolution, viz.

“ Congress having had under consideration the letter of John Dickinson, Esq. chairman of the commissioners, who assembled at Annapolis, during the last year; also the proceedings of the said commissioners, and intirely coinciding with them, as to the inefficiency of the federal government, and the necessity of devising such farther provisions as shall render the same adequate to the exigencies of the union, do strongly recommend to the different legislatures to send forward delegates, to meet the proposed convention, on the second Monday in May next, at the city of Philadelphia.

The delegates for the state of New-York, thereupon laid before Congress instructions which they had received from their constituents, and in pursuance of the said instructions, moved to postpone the farther consideration of the report, in order to take up the following proposition, viz.

“ That it be recommended to the States composing the union, that a convention of representatives from the said States respectively, be held at \_\_\_\_\_, on \_\_\_\_\_, for the purpose of revising the articles of confederation and \_\_\_\_\_

and perpetual union between the United States of America, and reporting to the United States in Congress assembled, and to the states respectively, such alterations and amendments of the said articles of confederation, as the representatives met in such convention, shall judge proper and necessary to render them adequate to the preservation and support of the union."

On the question to postpone for the purpose above-mentioned, the yeas and nays being required by the delegates for New-York.

Massachusetts,	Mr. King	ay	} ay
	Mr. Dane	ay	
Connecticut,	Mr. Johnson,	ay	} dd
	Mr. S. Mitchell	no	
New-York,	Mr. Smith	ay	} ay
	Mr. Benson	ay	
New-Jersey,	Mr. Cadwallader	ay	} no
	Mr. Clarke	no	
	Mr. Scheurman	no	
Pennsylvania,	Mr. Irvine	no	} no
	Mr. Meredith	ay	
	Mr. Bingham	no	
Delaware,	Mr. N. Mitchell	no	} *
Maryland,	Mr. Forrest	no	
Virginia,	Mr. Grayson	ay	} ay
	Mr. Madison	ay	
North-Carolina,	Mr. Blount	no	} no
	Mr. Hawkins	no	
South-Carolina,	Mr. Bull	no	} no
	Mr. Kean	no	
	Mr. Huger	no	
	Mr. Parker	no	
Georgia,	Mr. Few	ay	} dd
	Mr. Pierce	no	

So the question was lost.

A motion was then made by the delegates for Massachusetts, to postpone the farther consideration of the report, in order to take into consideration, a motion which they read in their place; this being agreed to, the motion of  
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the delegates for Massachusetts was taken up, and being amended, was agreed to as follows :

Whereas there is provision in the articles of confederation and perpetual union, for making alterations therein, by the assent of a Congress of the United States, and of the legislatures of the several states ; and whereas experience hath evinced, that there are defects in the present confederation, as a mean to remedy which, several of the states, and particularly the state of New-York, by express instructions to their delegates in Congress, have suggested a convention for the purposes expressed in the following resolution ; and such convention appearing to be the most probable mean of establishing in these states a firm national government,

*Resolved*, That in the opinion of Congress, it is expedient, that on the second Monday in May next, a convention of delegates, who shall have been appointed by the several states, be held at Philadelphia, for the sole and express purpose of revising the articles of confederation, and reporting to Congress and the several legislatures, such alterations and provisions therein, as shall, when agreed to in Congress, and confirmed by the states, render the federal constitution adequate to the exigencies of government, and the preservation of the union.

T H U R S D A Y, *February 22, 1787.*

Six states only attending, namely, Massachusetts, New-York, New-Jersey, Pennsylvania, North-Carolina and Georgia ; and from Connecticut, Mr. S. M. Mitchell, from Delaware, Mr. N. Mitchell, and from Maryland, Mr. Forrest, the chairman adjourned Congress to ten o'clock tomorrow.

F R I D A Y, *February 23 1787.*

Six states only attended, namely, Massachusetts, New-York, New-Jersey, Pennsylvania, Virginia and North-Carolina,

Carolina; and from Connecticut, Mr. S. M. Mitchell, from Maryland, Mr. Forrest, and from Georgia, Mr. Few.

M O N D A Y, *February 26, 1787.*

Congress assembled---Present, Massachusetts, New-York, New-Jersey, Pennsylvania, Virginia, North-Carolina and Georgia; and from Rhode-Island, Mr. Varnum, from Connecticut, Mr. S. M. Mitchell, and from Delaware, Mr. N. Mitchell.

T H U R S D A Y, *March 1, 1787.*

Congress assembled---Present, Massachusetts, New-York, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia; and from the state of Rhode-Island, Mr. Varnum, from Connecticut, Mr. S. M. Mitchell, and from New-Jersey, Mr. Cadwallader.

Mr. Dyre Kearny, a delegate for Delaware, attended and produced credentials, by which it appears, that on the third of February he was elected a delegate in the room of Gunning Bedford, the elder, Esq. resigned, to represent the said state in Congress, until the first Monday in November next.

The committee, consisting of Mr. Benson, Mr. Grayson, and Mr. King, to whom was referred a petition of Samuel Franklin and company, and John Blagge, praying for a sea-letter, having procured and produced to Congress a deposition, whereby it appears "that the brig Mary, Arthur Helme, master, for which sea letters are requested, is the property of American citizens, and that she is commanded and officered by natives of America, and that it is intended she shall be manned with citizens of the same."

*Resolved*, That a sea letter be granted in the usual form, agreeably to the prayer of the said petition.

M O N D A Y, *March 5, 1787.*

Six states attended, namely, Massachusetts, New-Jersey,  
Pennsylvania,

Pennsylvania, Virginia, North-Carolina and Georgia ; and from Rhode-Island, Mr. Varnum, from Connecticut, Mr. S. M. Mitchell, from New-York, Mr. Haring, from Delaware, Mr. Kearny, and from Maryland, Mr. Forrest.

T U E S D A Y, *March 6, 1787.*

Six states attended as yesterday.

W E D N E S D A Y, *March 7, 1787.*

Mr. Abraham Yates, a delegate for New-York, attended.

Six states attended, namely, Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware and Virginia ; and from Connecticut, Mr. Mitchell, from Maryland, Mr. Forrest, from North-Carolina, Mr. Blount, and from Georgia, Mr. Pierce.

T H U R S D A Y, *March 8, 1787.*

Congress assembled---Present, Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia ; and from Rhode-Island, Mr. Varnum, from Connecticut, Mr. S. M. Mitchell, and from Maryland, Mr. Forrest.

On a report of the board of treasury, to whom was referred a motion of Mr. Varnum,

*Resolved*, That when the state of Rhode-Island shall have completed the payment of her specie quota of the requisition of the 27th September, 1785, the loan-officer of the said state shall be authorised to continue the issue of indents, agreeably to the terms of the said requisition.

F R I D A Y, *March 9, 1787.*

Congress assembled---Present, Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, North-Carolina

rolina and Georgia ; and from Rhode-Island, Mr. Varnum and from Connecticut, Mr. S. M. Mitchell.

The delegates of Massachusetts having made representation to Congress in the following words,

“ The delegates of Massachusetts, in obedience to the instructions of the legislature of that commonwealth, and to the end that their constituents may claim and possess all the benefits and advantages, to which, by the articles of confederation and perpetual union, they are or may be entitled, represent to the United States in Congress assembled, the information contained in the three subjoined papers. No. I. being the speech of the governor of the commonwealth of Massachusetts to the general court thereof. No. II. The reply of the general court to the speech of the governor. And No. III. The declaration of a rebellion within that commonwealth. And the said delegates in conformity with the instructions of their constituents, farther represent to the United States in Congress assembled, that the legislature of Massachusetts are firmly persuaded, that by far the greater part of the citizens of that commonwealth, are well affected to the government thereof, and that there is the highest probability, by the blessing of Almighty God, that the present rebellion will be speedily suppressed. The said legislature confiding that had it been necessary, the firmest support and most effectual aid would have been afforded by the United States to that commonwealth, for putting an end to the insurrections and rebellion which have happened within the same ; such support and aid being expressly and solemnly stipulated by the articles of confederation and perpetual union.

#### No. I.

The speech of his excellency James Bowdoin, esquire, governor of the commonwealth of Massachusetts, to the legislature :---Gentlemen of the senate, and gentlemen of the house of representatives, It was expected by the general court, that their proceedings at their last session, respecting the insurgents, would have answered the purposes

poses for which they were intended. By those proceedings there were held forth to them punishment on the one hand, and pardon on the other---punishment in case of perseverance in their criminal conduct; pardon and indemnity if they desisted from it, and by a given time should take the oaths of allegiance. This application to their feelings, and to that actuating principle, a desire of personal safety, it was apprehended, would have had forcible influence to bring them to their duty. But unhappily it did not produce any good effect, except upon a very few individuals of them---on the contrary, the lenity and forbearance of government were treated with contempt, and imputed by them to an inability of defending itself; and some of your last acts have been added to their list of grievances. But the clearest and most unequivocal evidence of their perseverance and opposition to government, is deduced from their proceedings respecting the judicial courts in several of the counties since the last session of the general court. They twice with an armed force, stopped those courts in Worcester, and would not suffer them to open in Hampshire. They attempted it, though unsuccessfully, in Middlesex, and in consequence of that attempt several of them were taken into custody by virtue of state warrants; in the execution of which, the sheriff and other persons to whom the warrants were directed, had the aid and support of a number of spirited gentlemen of that county and Suffolk. At the last time of their assembling in Worcester, there were near a thousand of them in arms, who to the great annoyance and terror of that vicinity, continued embodied for several days after the court had adjourned, meditating, as it was apprehended further outrages, which were providentially prevented by the continued storms of that week. These violent and treasonable proceedings of the insurgents, were perpetrated after the publication of the last acts of the general court respecting them, and demonstrated not only a total disregard of those acts, and the authority by which they were enacted, but a contempt of all constitutional government, and a fixed determination to persevere in measures for subvert-

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ing it. This determination and these measures were also manifested by their printed declarations, and some of the private transactions of their leaders, when the main body of the insurgents were last assembled at Worcester, by which it appeared the insurgents were formed into regiments, and that a committee were appointed for each regiment, to see that it should, without delay, be properly officered and equipped, and compleatly ready whenever called upon. That this was the state of things in the western counties, was further confirmed by letters I received from some of the most respectable characters in those counties, and by the oral testimony of many intelligent persons from thence, who all agreed in the necessity of speedy and vigorous measures being taken for the effectual suppression of the insurgents, without which, the well affected might from a principle of self-preservation, be obliged to join them, and the insurrection become general. The safety and well-being of the commonwealth being thus in hazard, and the lenient conciliating measures of the general court having been rejected by the insurgents, I conceived myself under every obligation of honor and duty to exert the powers vested in me by law and the constitution, for the protection and defence of the commonwealth against the hostile and nefarious attempts of those lawless men. Pursuant to this idea, I laid before the council all the information and intelligence I had collected relative to the proceedings and designs of these men: And the council were unanimously of opinion, and accordingly advised that vigorous and effectual measures should be taken to protect the judicial courts, particularly those that were then next to be holden at Worcester, to aid the civil magistrate in executing the laws--to repel all insurgents against the government, and to apprehend all disturbers of the public peace, particularly such of them as might be named in any state warrant or warrants. For these purposes upon the effecting of which all good government and indeed the happy existence of the commonwealth, do essentially depend, I have called forth from several counties, a respectable body of the militia, the command of which



I have given to major-general Lincoln, with orders to carry those purposes into effectual execution. Those orders are now in operation, and will be laid before you, with the general orders containing the plan of measures by which the commonwealth was to be defended against its present assailants. I congratulate you gentlemen on the success of those measures hitherto, and hope it is a prelude to final success and to the re-establishment of perfect tranquility. The dispatches concerning it, which I have received from general Lincoln and general Shephard, will be laid before you. Thus gentlemen, from a principle of duty to the commonwealth, and in conformity to your resolution of the 24th of October, in which you express a full confidence "that I will persevere in the exercise of such powers as are vested in me by the constitution for preventing any attempts to interrupt the administration of law and justice, and for enforcing due obedience to the authority and laws of government," I have taken the measures above represented. I trust they will meet with your entire approbation, and with that support which is naturally to be expected from the guardians of the public safety. On my part, I have done in this business what the duty of my office and the oath of qualification indispensibly requires, and I have the fullest confidence that on your part nothing will be wanting to carry into complete effect the measures that have been taken, or that may be further necessary to suppress the present insurrection, and to insure a strict obedience to the laws. This is so essential to the peace and safety of the commonwealth, that it requires your immediate attention, and the speedy application of further means, if those already taken should be deemed insufficient for that purpose. Among those means you may deem it necessary to establish some criterion for discriminating between good citizens and insurgents, that each might be regarded according to their character, the former as their country's friends and to be protected, and the latter as public enemies, and to be effectually suppressed. At such a time as the present, every man ought to shew his colours and take his side; no neutral characters

characters should be allowed, nor any suffered to vibrate between the two. Vigor, decision and energy will soon terminate this unnatural, this unprovoked insurrection, and prevent the effusion of blood ; but the contrary may involve the commonwealth in a civil war and all its dreadful consequences, which may extend not only to the neighbouring states, but even to the whole confederacy, and finally destroy the fair temple of American liberty ; in the erecting of which, besides the vast expence of it, many thousands of valuable citizens have been sacrificed. There are several things resulting from the measures in operation which require your immediate attention. The money immediately wanted for carrying them into execution, was supplied by a voluntary loan from a number of gentlemen, and in a manner which does them honor. I must earnestly recommend to you to provide for its reimbursement, which upon the principles of policy as well as justice, should be made as speedy as possible. Provision also should be made for defraying the general expence. Should the time be too short to effect the great purposes for which the militia were called forth, it may be necessary that general Lincoln should be empowered to continue them in service by enlistment, until these purposes should be accomplished. The men being already embodied, and the arrangements for supporting them perfected, the expence of such a continuance will be much less than that of raising a new body for the same service. There are defects in our militia act which require an immediate remedy, and which I shall mention to you in a separate message. These, gentlemen, are matters of importance, but the general subject of this address is of the first magnitude, and demands your immediate and most serious attention. If it be taken up with proper spirit--if the measures in operation be seconded with firmness and decision---and if the powers of the several branches of government be united in a wise and vigorous exertion, we may reasonably expect a speedy and happy issue to the present insurrection, to which happy issue every exertion on my part has been and shall be applied ; but on the contrary, if indecision, langour, or dis-

union

tion should on this occasion pervade our public counsels, insurrection, though checked for the present, would gain new strength, and like a torrent might sweep away every mound of the constitution, and overwhelm the commonwealth in every species of calamity. In such case, if brought on by remissness, or relaxation on our part, we should be not only involved most essentially involved, in that calamity, but justly chargeable with betraying the trust reposed in us by our fellow citizens, and chargeable with ignominiously deserting the posts assigned us, as guardians of the peace, the safety and happiness of the commonwealth. But very happily, this is only a possible case---for your patriotism, your virtue, your regard for your own liberties and property, and for those of your families and posterity, must induce you to call forth every power of government into vigorous exertion for preventing such a complication, such an accumulation of evils. On this occasion it is proper gentlemen, to inform you, that I have received from several towns, petitions, directed to the governor and council, and also to the general court, relative to the insurgents. The petitions being eight in number, do disapprove of the proceedings of government, in regard to those people. But as the things prayed for, were, for the most part, not cognizable by the governor and council, and such as were so, could not be granted by them, consistently with the duty they owe to the commonwealth; the petitions will be laid before you, for your consideration. There are other matters to which your attention, gentlemen, is necessary, and they will be communicated by message.

(Signed)

JAMES BOWDOIN.

Council-Chamber, February 3, 1787.

## No. II.

To his excellency James Bowdoin, esquire, governor of the commonwealth of Massachusetts,

May it please your excellency,

The senate and house of representatives in general court  
assembled

assembled, have read and duly attended to your speech at the opening of this session, and take this earliest opportunity to express their entire satisfaction in the measures you have been pleased to take, pursuant to the powers vested in you by the constitution, for the subduing a turbulent spirit, which has too long insulted the government of this commonwealth, prostrated the courts of law and justice in divers counties, and threatened even the overthrow of the constitution itself. The general court congratulate your excellency on the success with which providence has been pleased to bless the wise, spirited and prudent measures which you have taken : and they earnestly entreat your excellency still to encounter, repel and resist, by all fitting ways, enterprizes and means, all and every such person and persons as attempt or enterprize in a hostile manner, the destruction, detriment or annoyance of this commonwealth, and to pursue such further constitutional measures as you may think necessary for extirpating the spirit of rebellion, quieting the minds of the good people of the commonwealth, and establishing the just authority and dignity of government. And in order that your excellency may be possessed of the full power of the constitution to effect these great purposes, the general court have thought it highly necessary, after mature deliberation, to declare that a rebellion exists within this commonwealth. This court are fully persuaded that by far the greater part of the citizens of this commonwealth are warmly attached to our present happy constitution ; they have a high sense of the merit of a respectable body of the militia, who have with readiness attended your excellency's orders on this pressing emergency, as well as of the patriotic zeal of a number of private citizens, who have cheerfully advanced their money in aid to government ; and you may be assured, sir, that the most speedy and effectual means will be used for the payment of the officers and soldiers who have been or may be employed in this necessary and most important service, and for the reimbursement of the monies generously advanced for its support. It is to be expected, that vigor, decision, and energy under the direction

direction and blessing of heaven, will soon terminate this unnatural, unprovoked rebellion, prevent the effusion of blood, and the fatal consequences to be dreaded from a civil war, and it is the determination of this court to establish a criterion for discriminating between good citizens and others, that each may be regarded according to their character and deserts. If it should appear to your excellency that the time for which the militia under the command of major-general Lincoln are enlisted, is too short to effect the great objects in view, it is the request of this court that you would be pleased to direct the commanding general to re-enlist the same men, or enlist others for such further time as you may think necessary, or to replace them by detachments from the militia, and if you shall think it expedient, to increase their numbers, and continue them in service until those purposes shall be completely accomplished. The general court will give the most ready attention to your message of the third instant, and every other communication you shall be pleased to lay before them. They will vigorously pursue every measure that may be calculated to support the constitution, and will still continue to redress any real grievances, if such shall be found to exist; humbly beseeching Almighty God to preserve union and harmony among the several powers of government, as well as among the honest and virtuous citizens of the commonwealth, and to restore to us the inestimable blessings of peace and liberty, under a wise and righteous administration of government.

In senate, February 4, 1787. Read and unanimously accepted, and ordered that Samuel Adams, Caleb Strong, and Seth Washburne, esquires, with such as the honorable house may join, be a committee to wait upon his excellency the governor with the aforesaid address. Sent down for concurrence.

SAMUEL PHILLIPS, jun. President.

In the house of representatives, February 4, 1787. Read  
and

and concurred ; and Mr. Shephard, Mr. Brooks, Mr. Beekford and Mr. Davis are joined.

ARTEMAS WARD, Speaker.

A true copy. Attest.

(Signed) JOHN AVERY, jun. Secretary.

No. III.

Commonwealth of Massachusetts.

Whereas the doings of the general court at their last session, relative to the insurgents against the government and authority of the State in several counties within this commonwealth, were lenient and merciful, were intended to quiet the minds of the disaffected, and ought to have had the effect they were designed to produce. And whereas every complaint of grievances was carefully attended to, with a disposition to grant all relief which could be afforded, consistent with equal justice and the dignity of government. And the general court so far as they were able, adopted measures accordingly, and gave full and clear information to the insurgents as well as others, of the general situation of public affairs.

And whereas a full and free pardon, for all the outrageous proceedings against the government, whereof the insurgents had been guilty, was rendered them upon this mild condition alone, that they should be guilty of such outrages no more, and as evidence of their intentions to demean themselves in future, as good and faithful citizens should, before the first day of January, A. D. 1787, take and subscribe the oath of allegiance ; it manifestly appears from the subsequent conduct of the leaders of the insurgents, that their opposition to government, has not arisen from a misapprehension as to the views and disposition of government, or from a temporary irritation, arising from the pressure of supposed grievances, or from a misguided zeal to promote the public happiness, as has been insidiously asserted, but from a settled determination to subvert the constitution, and put an end to the government of this commonwealth ; it is also abundantly manifest,

test, that the conduct of the insurgents in stopping the courts of justice in the counties of Worcester and Hampshire, in assembling in arms avowedly to commit the same outrages in the county of Middlesex, in calling upon the towns in some counties to furnish themselves with arms and ammunition, in appointing committees to form their adherents into regular military companies, properly officered, thereby to establish within this commonwealth, a standing force beyond the controul of, and for the express purpose of opposing in arms the constitutional government of the State, in endeavouring to increase the commotions in the counties aforesaid, by publicly inviting and alluring others to throw off their allegiance and join their body, is subversive of all order and government, absolutely incompatible with the public safety and happiness, and is an open, unnatural, unprovoked and wicked rebellion against the dignity, authority and government of this commonwealth. And the legislature in duty to their constituents in conformity to their oaths, and by virtue of the authority vested in them by the constitution (having ineffectually tried every lenient measure to reclaim them) do hereby solemnly declare, that a horrid and unnatural rebellion and war, has been openly and traiterously raised and levied against this commonwealth, and is still continued, and now exists within the same, with design to subvert and overthrow the constitution and form of government thereof, which has been most solemnly agreed to and established by the citizens of this commonwealth; and that government ought and will, with the greatest energy and force, exert and bring forth all the power of the commonwealth for the suppression thereof, and all the horrors and evils that may follow in consequence of this rebellion, must be imputed to those men, who have contrary to the duty of their allegiance, and every principle of law and justice, been the fomenters, abettors and supporters of the same.

In senate, February 4, 1787. Read and unanimously accepted; sent down for concurrence.

SAMUEL PHILLIPS, jun. President

In the house of representatives, February 4, 1787.  
Read and concurred.

ARTEMAS WARD, Speaker.

A true copy. Attest.

(Signed) JOHN AVERY, jun. Secretary.

A motion was made by Mr. Varnum, seconded by Mr. Few, that the foregoing papers be referred to a committee; and on the question for commitment, the yeas and nays being required by Mr. King,

Mr. King and Mr. Dane	ay)ay
Mr. Varnum	ay) *
Mr. S. M. Mitchell	ay) *
Mr. Haring and Mr. Yates	ay)ay
Mr. Cadwallader, Mr. Clarke & Mr. Scheurman	ay)ay
Mr. St. Clair and Mr. Irvine	ay)ay
Mr. Meredith and Mr. Bingham	ay)ay
Mr. Mitchell and Mr. Kearney	ay)ay
Mr. Blount and Mr. Hawkins	ay)ay
Mr. Few and Mr. Pierce	ay)ay

So it was resolved in the affirmative.

M O N D A Y, March 12, 1787.

Congress assembled---Present, Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia; and from Rhode-Island, Mr. Varnum and from Connecticut, Mr. S. M. Mitchell.

T U E S D A Y, March 13, 1787.

Congress assembled---Present as yesterday.

On a report of the secretary for foreign affairs, to whom was referred a letter of the 20th February, 1787, from J. M. Pintard,

*Resolved*, That a commercial agent to reside at the port of Lisbon be appointed, who shall not be entitled to receive any salary, fees or emoluments of office.

*Ordered*, That Monday next be assigned for the election of the said commercial agent.



On a letter from Mr. A. Lee, a commissioner of the board of treasury, stating that the situation of his affairs requires his presence, and requesting leave of absence for six weeks,

*Ordered*, That leave of absence be granted to him agreeably to his request.

T H U R S D A Y, *March 15, 1787.*

Congress assembled---Present as before.

M O N D A Y, *March 19, 1787.*

Congress assembled---Present, Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia ; and from Rhode-Island Mr. Varnum, and from Connecticut, Mr. Johnson.

On a letter from Mr. T. Hutchins, requesting leave of absence for a week or ten days.

*Ordered*, That leave be granted.

T U E S D A Y, *March 20, 1787.*

Congress assembled---Present, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia ; and from Rhode-Island, Mr. Varnum, and from South-Carolina, Mr. D. Huger, who produced credentials, whereby it appears that he is duly appointed a delegate to represent the state of South-Carolina in Congress until the first Monday in November next.

W E D N E S D A Y, *March 21, 1787.*

Congress assembled---Present as yesterday.

On a report of the board of treasury to whom was referred the memorial of Col. Marinus Willet, together with a report of the commissioner of army accounts, and a committee of Congress on the said report,

*Resolved*, That the commissioner of army accounts settle

ble with such of the officers and men of the regiment lately commanded by Col. Marinus Willet, as were in the actual service of the United States, during the year 1783, for all arrears of pay and subsistence respectively due to them.

On the report of the Secretary to the United States for the department of foreign affairs, to whom was referred a letter of 4th March, 1786, from Mr. J. Adams, minister plenipotentiary of the United States of America at the court of London, together with the memorial of the said minister, dated the 30th November, 1785, and presented by him on the 8th of December following to his Britannic majesty's secretary of state; and the answer received by Mr. Adams to the said memorial, and contained in a letter from the said secretary of state, dated at "St. James's, February 28, 1786," and other papers accompanying the same;

Congress unanimously agreed to the following resolutions;

*Resolved*, That the legislatures of the several states cannot of right pass any act or acts, for interpreting, explaining, or construing a national treaty or any part or clause of it; nor for restraining, limiting or in any manner impeding, regarding or counteracting the operation and execution of the same, for that on being constitutionally made, ratified and published, they become in virtue of the confederation, part of the law of the land, and are not only independent of the will and power of such legislatures, but also binding and obligatory on them.

*Resolved*, That all such acts or parts of acts as may be now existing in any of the states, repugnant to the treaty of peace, ought to be forthwith repealed, as well to prevent their continuing to be regarded as violations of that treaty as to avoid the disagreeable necessity there might otherwise be of raising and discussing questions touching their validity and obligation.

*Resolved*, That it be recommended to the several states to make such repeal rather by describing than reciting the said acts, and for that purpose to pass an act declaring in  
general.

general terms, that all such acts and parts of acts, repugnant to the treaty of peace between the United States and his Britannic majesty, or any article thereof, shall be and thereby are repealed, and that the courts of law and equity in all causes and questions cognizable by them respectively, and arising from or touching the said treaty, shall decide and adjudge according to the true intent and meaning of the same, any thing in the said acts or parts of acts to the contrary thereof in anywise notwithstanding.

T H U R S D A Y, *March 22, 1787.*

Congress assembled---Present, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia and North-Carolina; and from Rhode-Island, Mr. Varnum, and from Georgia, Mr. Pierce.

F R I D A Y, *March 23, 1787.*

Congress assembled---Present, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Virginia, North-Carolina and Georgia; and from Rhode-Island, Mr. Varnum.

On the report of a committee consisting of Mr. Grayson, Mr. Varnum and Mr. Mitchell, to whom was referred a memorial of Mathias Ogden,

*Resolved*, That the post-master-general take order for the payment of the quarter's wages to Mathias Ogden for the transportation of the mail.

On the report of a committee consisting of Mr. King, Mr. Johnson, Mr. Dane, Mr. Madison and Mr. Clarke, appointed to consider the reductions necessary to be made in the civil list department.

Whereas the present deranged condition of the national revenues and the numerous demands on the federal treasury, are not only considerations of the most serious weight and importance, but justly operate as powerful motives in favor of every economical reform which can with safety be adopted in the public expenditures,

*Resolved*, That the sum to be allotted to the support of  
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the household of the president of Congress, including the salaries of the steward and private secretary, house rent and all other expences, shall not exceed a sum at the rate of eight thousand dollars annually.

*Resolved*, That the salaries of the following officers be reduced, and that from and after the present quarter

The annual salary of the secretary of Congress be at the rate of two thousand six hundred dollars.

That the secretary to the United States for the department of foreign affairs, at the rate of three thousand five hundred dollars.

That of each of the commissioners of the board of treasury at the rate of two thousand two hundred and fifty dollars.

That of the secretary of the board of treasury, at the rate of fifteen hundred dollars.

That of the treasurer, at the rate of twelve hundred and fifty dollars.

That of the comptroller of the treasury, at the rate of fifteen hundred dollars.

That of the auditor, at the rate of eight hundred dollars.

That of the deputy-secretary of Congress, at the rate of eight hundred dollars.

That of the deputy-secretary of foreign affairs, at the rate of eight hundred dollars.

That of the steward of the president's household, at the rate of three hundred dollars.

That of the private secretary of the president, at the rate of three hundred dollars.

And that of the geographer, at the rate of fifteen hundred dollars for such time as he may be actually employed in the public service.

*Resolved*, That the services and duties of the paymaster-general be, and hereby are united with those of the commissioner of army accounts, and that the said commissioner, after the expiration of the present quarter, be allowed in full for his services as commissioner and paymaster-general, a salary at the rate of twelve hundred and fifty dollars annually.

*Resolved*,

*Resolved*, That in no case after the expiration of the present quarter, there be allowed to any person employed as an assistant or clerk in any of the departments under Congress, a salary exceeding the rate of four hundred and fifty dollars annually ; and that no door-keeper or messenger, except those of Congress, be allowed more than one hundred and fifty dollars annually.

*Resolved*, That from and after the present quarter, there be annually allowed to each of the commissioners of the continental loan-office, in full for all services and duties which are or may be annexed to their respective offices, and also in full for office rent, clerks and every other charge, except that of stationary, at the rate of the following sums :

For New-Hampshire	six hundred and fifty dollars,
Massachusetts	fifteen hundred dollars,
Rhode-Island	six hundred dollars,
Connecticut	one thousand dollars,
New-York	one thousand dollars,
New-Jersey	seven hundred dollars,
Pennsylvania	fifteen hundred dollars,
Delaware	six hundred dollars,
Maryland	one thousand dollars,
Virginia	fifteen hundred dollars,
North-Carolina	one thousand dollars,
South-Carolina	eight hundred dollars,
Georgia	six hundred dollars.

Provided, that in those cases where, in the judgment of the board of treasury, the public interest may require the employment of one or more clerks in any of the loan-offices at the public expence, the said board be and hereby are authorized to continue in employ such clerk or clerks, not exceeding the term of three months after the expiration of the present quarter.

M O N D A Y, March 26, 1787.

Congress assembled--Present, Massachusetts, Connecticut,

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necticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia.

Mr. John B. Ashe, a delegate for North-Carolina, attended, and produced credentials of his appointment, whereby it appears that he is duly appointed to represent the said state in Congress, until the first Monday in November next, in the room of Charles Johnson, Esq. resigned.

T U E S D A Y, *March 27, 1787.*

Congress assembled---Present, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, and Virginia.

W E D N E S D A Y, *March 28, 1787.*

Congress assembled---Present, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia; and from Rhode-Island, Mr. Varnum, and from South-Carolina, Mr. Hunger.

The delegates of New-Jersey having moved as follows;

“Whereas the legislature of New-Jersey did by their resolution of the 23d of November last, empower his excellency governor Livingston to apply to Congress for the loan of five brass field pieces for the use of the said state; and whereas the governor of the said state, in pursuance of the aforementioned resolution, has written to the delegates of New-Jersey, to apply to the United States in Congress assembled for the same, the said delegates, in conformity with the governor's request, submit the following resolutions :---1st. That the secretary at war deliver to the order of governor Livingston, from the arsenals of the United States, five brass field pieces, three or four pounders, for the use of the state of New-Jersey, for the return of which, when demanded by Congress, the governor of the said state shall be personally responsible; and also for their value in case of damage or loss, unless they should  
not

not be demanded before a war between the United States and any other power, and they happen to be lost in an engagement with the enemy, in which case their loss shall be deemed a national loss. 2d. That the secretary at war take a receipt of governor Livingston for the said artillery, expressing the governor's personal responsibility for their return on the terms and conditions mentioned in the foregoing resolution."

A motion was made by Mr. Smith, seconded by Mr. Pierce, to postpone the consideration of the above motion, in order to take up the following ;

" That however desirous Congress may be, on every occasion, to comply with the request of the state of New-Jersey, they cannot with a due regard for the public safety, establish a precedent for dispersing the field artillery or military stores of the United States, by loaning the same to individual states ; but earnestly recommend it to every state, not supplied with such artillery or stores, to procure them without delay, pursuant to the sixth article of the confederation."

And on the question to postpone for the purpose above-mentioned, the yeas and nays being required by Mr. Smith.

Massachusetts,	Mr. King	ay	{	ay
	Mr. Dane	ay		
Rhode-Island,	Mr. Varnum	no	]	*
Connecticut,	Mr. Johnson	ay		
	Mr. S. M. Mitchell	ay	{	ay
New-York,	Mr. Smith	ay		
	Mr. Haring	ay	{	ay
New-Jersey,	Mr. Cadwallader	no		
	Mr. Clarke	no	{	no
	Mr. Schuerman	no		
Pennsylvania,	Mr. St. Clair	ay	{	ay
	Mr. Irvine	ay		
Delaware	Mr. N. Mitchell	no	)	no
	Mr. Kearny	no		
Virginia,	Mr. Grayson	ay	{	ay
	Mr. Carrington	ay		
	Mr. Madison	ay	{	ay
			North-Carolina,	

North-Carolina,	Mr. Blount	ay	} ay
	Mr. Hawkins	ay	
	Mr. Ashe	ay	
South-Carolina,	Mr. Huger	ay	} * /
	Mr. Few	no	
	Mr. Pierce	ay	

So the question was lost.

A question being then taken to agree to the motion of the delegates of New-Jersey, the same was lost.

T H U R S D A Y, *March 29, 1787.*

Congress assembled---Present as yesterday.

F R I D A Y, *March 30, 1787.*

Congress assembled---Present as before.

M O N D A Y, *April 2, 1787.*

Congress assembled---Present, Massachusetts, Connecticut, New-York, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia; and from Rhode-Island, Mr. Varnum.

T U E S D A Y, *April 3, 1787.*

Congress assembled---Present as yesterday.

W E D N E S D A Y, *April 4, 1787.*

Congress assembled---Present, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia; and from Rhode-Island, Mr. Varnum, and from South-Carolina, Mr. Huger.

T H U R S D A Y, *April 5, 1787.*

Congress assembled---Present as before.



On a report of the board of treasury, to whom was referred a memorial of William Mumford and Joshua Dawson, clerks to Benjamin Stelle, late commissioner for adjusting the accounts of the state of Pennsylvania ;

*Ordered*, That the memorialists be informed that the prayer of their memorial cannot be complied with.

M O N D A Y, *April 9, 1787.*

Congress assembled---Present, Massachusetts, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia ; and from South-Carolina, Mr. Huger.

Mr. Peleg Arnoid, a delegate for Rhode Island, attended, and produced the credentials of his appointment, whereby it appears that he is duly appointed a delegate to represent said state in Congress, until the first Monday in November next.

The report of the committee, consisting of Mr. Varnum, Mr. Carrington, Mr. King, Mr. Few and Mr. Madison, being amended as follows, viz.

*Resolved*, That two companies of artillery be formed out of the troops already enlisted in the state of Massachusetts, in pursuance of the resolution of the 20th of October, 1786.

That the secretary at war take order for arranging the same, with the proper proportion of officers.

That all the remaining troops which have been enlisted in any of the states, under the said resolutions, be discharged, and a stop put to any further enlistments.

That all the officers appointed under the said resolutions, except those necessary for the said two companies, be discharged.

*Resolved*, That the board of treasury take order for the payment of the officers and soldiers discharged as aforesaid.

*Ordered*, That the foregoing resolutions be transmitted to the secretary at war, and that he, without delay, direct the two companies of artillery to be marched from  
Boston

Boston to Springfield, and upon their arrival at that post, that he put in operation the resolutions aforesaid, for the discharge of the troops raised by the state of Connecticut, and now at Springfield.

On the question to agree to the above resolutions, the yeas and nays being required by Mr. King,

Massachusetts,	Mr. King	no	}	no
	Mr. Dane	no		
Rhode-Island,	Mr. Varnum	no	}	no
	Mr. Apoll	no		
Connecticut,	Mr. Jenckes	ay	}	ay
	Mr. S. M. Mitchell	ay		
New-York,	Mr. Smith	no	}	do
	Mr. Haring	ay		
New-Jersey,	Mr. Clarke	ay	}	ay
	Mr. Scheurman	ay		
Pennsylvania,	Mr. St. Clair	ay	}	ay
	Mr. Pettit	ay		
	Mr. Irvine	ay	}	ay
Delaware,	Mr. N. Mitchell	ay		
	Mr. Kearny	ay	}	ay
Virginia,	Mr. Grayson	no		
	Mr. Carrington	ay	}	ay
	Mr. Madison	ay		
North-Carolina,	Mr. Blount	ay	}	ay
	Mr. Hawkins	ay		
	Mr. Ashe	ay	}	ay
South-Carolina,	Mr. Huger	ay		
Georgia,	Mr. Few	ay	}	ay
	Mr. Pierce	ay		

So it was resolved in the affirmative.

T U E S D A Y, April 10, 1787.

Congress assembled---Present, Massachusetts, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia.

A motion was made by Mr. Kearny, seconded by Mr. Blount,

*Resolved*, That on the last Friday in the present month, Congress will adjourn, to meet on the first Monday in June next, at the city of Philadelphia, in the state of Pennsylvania, and the president of Congress is hereby authorised and directed, on the said last Friday in the present month, to adjourn Congress to the said first Monday in June next, to meet in the city of Philadelphia, in the state of Pennsylvania, and that the secretary of Congress and the heads of the several departments, take order for the removal of the books and papers belonging to their respective offices to the said city of Philadelphia.

A motion was then made by Mr. Varnum to amend the motion by striking out the words "at the city of Philadelphia, in the state of Pennsylvania," and in lieu thereof to insert "Newport in the state of Rhode-Island and Providence plantations."

And on the question to agree to this amendment, the yeas and nays being required by Mr. Varnum.

Massachusetts,	Mr. King	no	}	no
	Mr. Dane	no		
Rhode-Island,	Mr. Varnum	ay	}	ay
	Mr. Arnold	ay		
Connecticut,	Mr. Johnson	no	}	no
	Mr. S. M. Mitchell	no		
New-York,	Mr. Smith	no	}	no
	Mr. Haring	no		
New-Jersey,	Mr. Clarke	no	}	no
	Mr. Scheurman	no		
Pennsylvania,	Mr. St. Clair	no	}	no
	Mr. Pettit	no		
	Mr. Irvine	no		
Delaware,	Mr. N. Mitchell	no	}	no
	Mr. Kearny	no		
Virginia,	Mr. Grayson	no	}	no
	Mr. Carrington	no		
	Mr. Madison	no	}	no

North-Carolina

North-Carolina,	Mr. Blount	no	} no
	Mr. Hawkins	no	
	Mr. Ashe	no	
Georgia,	Mr. Few	no	} no
	Mr. Pierce	no	

So it passed in the negative.

A motion was then made by Mr. King, to amend the motion by striking out the following words, " at the city of Philadelphia, in the state of Pennsylvania, and, to meet in the said city of Philadelphia, in the state of Pennsylvania, and that the secretary of Congress and the heads of the several departments, take order for the removal of the books and papers belonging to their respective offices to the said city of Philadelphia," so that it read, resolved that on the last Friday in the present month Congress will adjourn to meet on the first Monday in June next, and the president of Congress is hereby authorised and directed on the said last Friday in the present month to adjourn Congress to the said first Monday in June next.

And on the question, shall these words stand, the yeas and nays being required by Mr. Kearny.

Massachusetts,	Mr. King	no	} no
	Mr. Dane	no	
Rhode-Island.	Mr. Varnum	ay	} ay
	Mr. Arnold	ay	
Connecticut,	Mr. Johnson	no	} no
	Mr. S. M. Mitchell	no	
New-York,	Mr. Smith,	no	} no
	Mr. Haring	no	
New-Jersey,	Mr. Clarke	ay	} ay
	Mr. Scheurman	ay	
Pennsylvania,	Mr. St. Clair	ay	} ay
	Mr. Pettit	ay	
	Mr. Irvine	ay	
Delaware,	Mr. N. Mitchell	ay	} ay
	Mr. Kearny	ay	

Virginia;

Virginia,	Mr. Grayson	ay	} ay
	Mr. Carrington	ay	
	Mr. Madison	ay	
North-Carolina,	Mr. Blount	ay	} ay
	Mr. Hawkins	ay	
	Mr. Ashe	ay	
Georgia,	Mr. Few	ay	} ay
	Mr. Pierce	ay	

So it was resolved in the affirmative.

A motion was then made by Mr. King to strike out the following words; "on the last Friday in the present month." And when the question was about to be put, the yeas and nays being required, the determination thereof was put off till to-morrow, by the state of Massachusetts.

On motion of Mr. Clarke, seconded by Mr. Grayson;

*Resolved*, That the right of a state under the 22d article of the rules of the house, to put off the decision of a question, shall be construed to relate only to the final question, on the entire ordinance or proposition depending, and not to any motion for amendment.

W E D N E S D A Y, April 11, 1787.

Congress assembled---Present, Massachusetts, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia; and from South-Carolina, Mr. Huger.

The determination of the question which was yesterday put off by the state of Massachusetts, was postponed by order of the house.

On motion of Mr. King seconded by Mr. Pierce;

*Resolved*, That the powers and duties of the commissioner appointed on the part of the United States, in pursuance of the resolution of the 13th April, 1785, be united with those of the commissioner of army accounts, and that he be directed forthwith to proceed to the state of Virginia, in the place of Mr. Fox, who has declined  
F proceeding

proceeding in this commission without an augmentation of his pay.

*Resolved*, That the salary of the commissioner of army accounts, cease during the time he shall be employed in pursuance of the foregoing resolution, and that he be allowed during that term the pay heretofore established for that service.

*Resolved*, That the commissioner of army accounts be authorized to appoint some suitable person to conduct the business of that office, during his absence at a salary not exceeding the rate of 800 dollars annually.

On the report of the agent of marine, to whom it was referred to report to Congress a reasonable allowance per day for naval officers employed on courts martial ;

*Resolved*, That such naval officers as have been or shall be employed on courts martial, out of the states of their residence, or in a state where the ships or vessels of war to which they were or may be attached, did not or shall not lie at the time of their being so employed, be, and they are hereby entitled to an extra allowance of three dollars, and one third of a dollar per day each, in addition to the pay and subsistence to which they were intitled by former acts of Congress.

That the said extra allowance commence on the day such officer or officers shall set out from his or their place of residence, or from the ship or vessel of war to which they were or may be attached at the time, and continue until they return to their said residence, ship, or vessel of war, allowing to each a reasonable time for going to and returning from the place of the sitting of such court.

T H U R S D A Y, *April 12, 1787.*

Congress assembled---Present, Massachusetts, Rhode-Island, Connecticut, New-York, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia ; and from New-Jersey, Mr. Clarke, and from South-Carolina, Mr. Huger.

The report of the committee consisting of Mr. Varnum, Mr. King and Mr. Smith, being amended ;

*Resolved,*

*Resolved*, That the commissioner of army accounts, in the settlement of the accounts of William Irvine, late a brigadier-general in the army of the United States, allow him in addition to the emoluments of his grade, such sum as, from a fair representation of his expences during his command at Fort-Pitt, may appear to him reasonable.

F R I D A Y, *April 13, 1787.*

Congress assembled---Present, Massachusetts, Rhode-Island, Connecticut, New-York, Pennsylvania, Virginia, North-Carolina and Georgia; and from New-Jersey, Mr. Clarke, from Delaware, Mr. Kearny, and from South-Carolina, Mr. Huger.

The secretary for foreign affairs, having in pursuance of an order of Congress, reported the draught of a letter to the states to accompany the resolutions, passed the 21st day of March, 1787, the same was taken into consideration, and unanimously agreed to as follows;

S I R,

Our secretary for foreign affairs has transmitted to you copies of a letter to him from our minister at the court of London, of the 4th day of March, 1786, and of the papers mentioned to have been enclosed with it.

We have deliberately and dispassionately examined and considered the several facts and matters urged by Britain as infractions of the treaty of peace on the part of America, and we regret that in some of the states too little attention appears to have been paid to the public faith pledged by that treaty.

Not only the obvious dictates of religion, morality and national honor, but also the first principles of good policy, demand a candid and punctual compliance with engagements constitutionally and fairly made.

Our national constitution having committed to us the management of the national concerns with foreign states and powers, it is our duty to take care that all the rights which they ought to enjoy within our jurisdiction by the laws of nations and the faith of treaties, remain inviolate.

And

And it is also our duty to provide that the essential interests and peace of the whole confederacy be not impaired or endangered by deviations from the line of public faith, into which any of its members may from whatever cause be unadvisedly drawn.

Let it be remembered that the Thirteen Independent Sovereign States have, by express delegation of power, formed and vested in us a general though limited sovereignty, for the general and national purposes specified in the confederation. In this sovereignty they cannot severally participate (except by their delegates) nor with it have concurrent jurisdiction; for the ninth article of the confederation most expressly conveys to us the sole and *exclusive* right and power of determining on *war* and *peace*, and of entering into *treaties* and alliances, &c.

When therefore a treaty is constitutionally made, ratified and published by us, it immediately becomes binding on the whole nation, and superadded to the laws of the land, without the intervention of state legislatures. Treaties derive their obligation from being compacts between the sovereign of this and the sovereign of another nation; whereas laws or statutes derive their force from being the acts of a legislature competent to the passing of them. Hence it is clear that treaties must be implicitly received and observed by every member of the nation; for as state legislatures are not competent to the making of such compacts or treaties, so neither are they competent in that capacity, authoritatively to decide on, or ascertain the construction and sense of them. When doubts arise respecting the construction of state laws, it is not unusual nor improper for the state legislatures, by explanatory or declaratory acts, to remove those doubts: but the case between laws and compacts or treaties is in this widely different; for when doubts arise respecting the sense and meaning of a treaty, they are so far from being cognizable by a state legislature, that the United States in Congress assembled have no authority to settle and determine them: for as the legislature only, which constitutionally passes a law, has power to revise and amend it, so the sovereigns only, who are parties



parties to the treaty, have power by mutual consent and posterior articles, to correct or explain it.

In cases between individuals, all doubts respecting the meaning of a treaty, like all doubts respecting the meaning of a law, are in the first instance mere judicial questions, and are to be heard and decided in the courts of justice having cognizance of the causes in which they arise, and whose duty it is to determine them according to the rules and maxims established by the laws of nations for the interpretation of treaties. From these principles it follows of necessary consequence, that no individual state has a right by legislative acts to decide and point out the sense in which their particular citizens and courts shall understand this or that article of a treaty.

It is evident that a contrary doctrine would not only militate against the common and established maxims and ideas relative to this subject, but would prove no less inconvenient in practice than it is irrational in theory; for in that case the same article of the same treaty might by law be made to mean one thing in New-Hampshire, another thing in New-York, and neither the one nor the other of them in Georgia.

How far such legislative acts would be valid and obligatory even within the limits of the state passing them, is a question which we hope never to have occasion to discuss. Certain however it is that such acts cannot bind either of the contracting sovereigns, and consequently cannot be obligatory on their respective nations.

But if treaties, and every article in them, be (as they are and ought to be) binding on the whole nation, if individual states have no right to accept some articles and reject others, and if the impropriety of state acts to interpret and decide the sense and construction of them, be apparent, still more manifest must be the impropriety of state acts to controul, delay or modify the operation and execution of these national compacts.

When it is considered that the several states assembled by their delegates in Congress, have express power to form treaties, surely the treaties so formed are not afterwards

wards to be subject to such alterations as this or that state legislature may think expedient to make, and that too without the consent of either of the parties to it,—that is in the present case without the consent of all the United States, who collectively are parties to this treaty on the one side, and his Britannic Majesty on the other. Were the legislatures to possess and to exercise such power, we should soon be involved as a nation, in anarchy and confusion at home, and in disputes which would probably terminate in hostilities and war with the nations with whom we may have formed treaties. Instances would then be frequent of treaties fully executed in one state, and only partly executed in another; and of the same article being executed in one manner in one state, and in a different manner, or not at all, in another state. History furnishes no precedent of such liberties taken with treaties under form of law in any nation.

Contracts between nations, like contracts between individuals, should be faithfully executed, even though the sword in the one case, and the law in the other, did not compel it. Honest nations, like honest men, require no constraint to do justice; and though impunity and the necessity of affairs may sometimes afford temptations to pare down contracts to the measure of convenience, yet it is never done but at the expence of that esteem, and confidence, and credit which are of infinitely more worth than all the momentary advantages which such expedients can extort.

But although contracting nations cannot, like individuals, avail themselves of courts of justice to compel performance of contracts; yet an appeal to heaven and to arms is always in their power, and often in their inclination.

But it is their duty to take care that they never lead their people to make and support such appeals, unless the sincerity and propriety of their conduct affords them good reason to rely with confidence on the justice and protection of heaven.

Thus much we think it useful to observe, in order to  
explain

explain the principles on which we have unanimously come to the following resolution, viz.

*Resolved*, That the legislatures of the several states cannot of right pass any act or acts for interpreting, explaining or construing a national treaty, or any part or clause of it ; nor for restraining, limiting, or in any manner impeding, retarding or counteracting the operation and execution of the same ; for that on being constitutionally made, ratified and published, they become in virtue of the confederation, part of the law of the land, and are not only independent of the will and power of such legislatures, but also binding and obligatory on them."

As the treaty of peace, so far as it respects the matters and things provided for in it, is a law to the United States which cannot by all or any of them be altered or changed, all state acts establishing provisions relative to the same objects which are incompatible with it must in every point of view be improper : such acts do nevertheless exist ; but we do not think it necessary either to enumerate them particularly, or to make them severally the subjects of discussion. It appears to us sufficient to observe and insist that the treaty ought to have free course in its operation and execution, and that all obstacles interposed by state acts be removed. We mean to act with the most scrupulous regard to justice and candour towards Great-Britain, and with an equal degree of delicacy, moderation and decision towards the states who have given occasion to these discussions.

For these reasons we have in general terms

*Resolved*, That all such acts, or parts of acts as may be now existing in any of the states, repugnant to the treaty of peace, ought to be forthwith repealed ; as well to prevent their continuing to be regarded as violations of that treaty, as to avoid the disagreeable necessity there might otherwise be of raising and discussing questions touching their validity and obligation."

Although this resolution applies strictly only to such of the states as have passed the exceptionable acts alluded to, yet to obviate all future disputes and questions, as well

as to remove those which now exist; we think it best that every state without exception should pass a law on the subject. We have therefore

“*Resolved*, That it be recommended to the several states to make such repeal rather by describing than reciting the said acts; and for that purpose to pass an act declaring in general terms that all such acts, and parts of acts repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof, shall be, and thereby are repealed; and that the courts of law and equity in all causes and questions cognizable by them respectively, and arising from or touching the said treaty, shall decide and adjudge according to the true intent and meaning of the same: any thing in the said acts, or parts of acts to the contrary thereof in any wise notwithstanding.”

Such laws would answer every purpose, and be easily formed. The more they were of the like tenor throughout the states the better, they might each recite that

Whereas certain laws or statutes made and passed in some of the United States, are regarded and complained of as repugnant to the treaty of peace with Great-Britain, by reason whereof not only the good faith of the United States pledged by that treaty, has been drawn into question, but their essential interests under that treaty greatly affected. And whereas justice to Great-Britain, as well as regard to the honor and interests of the United States, require that the said treaty be faithfully executed, and that all obstacles thereto, and particularly such as do or may be construed to proceed from the laws of this state, be effectually removed. Therefore,

Be it enacted by \_\_\_\_\_ and it is hereby enacted by the authority of the same, that such of the acts or parts of acts of the legislature of this state, as are repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof, shall be, and hereby are repealed. And further, that the courts of law and equity within this state be, and they hereby are directed and required in all causes and questions cognizable by them respectively, and arising from or touching the  
said

said treaty, to decide and adjudge according to the tenor, true intent and meaning of the same, any thing in the said acts or parts of acts, to the contrary thereof in any wise notwithstanding.

Such a general law would, we think, be preferable to one that should minutely enumerate the acts and clauses intended to be repealed : because omissions might accidentally be made in the enumeration, or questions might arise, and perhaps not be satisfactorily determined, respecting particular acts or clauses, about which contrary opinions may be entertained. By repealing in general terms all acts and clauses repugnant to the treaty, the business will be turned over to its proper department, viz. the judicial ; and the courts of law will find no difficulty in deciding whether any particular act or clause is or is not contrary to the treaty. Besides, when it is considered that the judges in general are men of character and learning, and feel as well as know the obligations of office and the value of reputation, there is no reason to doubt that their conduct and judgments relative to these, as well as other judicial matters, will be wise and upright.

Be pleased, sir, to lay this letter before the legislature of your state without delay. We flatter ourselves they will concur with us in opinion that candour and justice are as necessary to true policy as they are to sound morality, and that the most honorable way of delivering ourselves from the embarrassment of mistakes, is fairly to correct them. It certainly is time that all doubts respecting the public faith be removed, and that all questions and differences between us and Great-Britain, be amicably and finally settled. The states are informed of the reasons why his Britannic Majesty still continues to occupy the frontier posts which by the treaty he agreed to evacuate : and we have the strongest assurances that an exact compliance with the treaty on our part, shall be followed by a punctual performance of it on the part of Great-Britain.

It is important that the several legislatures should as soon as possible, take these matters into consideration ; and we

G

request

request the favor of you to transmit to us an authenticated copy of such acts and proceedings of the legislature of your state, as may take place on the subject and in pursuance of this letter.

By order of Congress,  
(Signed) ARTHUR St. CLAIR, President.

M O N D A Y, *April 16, 1787.*

Three states only attended, namely, Massachusetts, Rhode-Island and Virginia; and from Connecticut, Mr. Johnson, from New-York, Mr. Haring, from Pennsylvania, Mr. Pettit, from North-Carolina, Mr. Hawkins, and from Georgia, Mr. Pierce.

T U E S D A Y, *April 17, 1787.*

Six states attended, namely, Massachusetts, Rhode-Island, Connecticut, New-York, Virginia, North-Carolina and Georgia; and from New-Jersey, Mr. Clarke, from Pennsylvania, Mr. Pettit, and from Delaware, Mr. Kearny.

W E D N E S D A Y, *April 18, 1787.*

Congress assembled---Present, Massachusetts, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, Virginia, North-Carolina and Georgia; and from Delaware, Mr. Kearny.

Mr. John Armstrong, a delegate for Pennsylvania, attended and produced credentials, whereby it appears that on the 24th of March last, he was appointed a delegate to represent the said state.

An ordinance for settling the accounts between the United States and individual states, was read a first time.

*Ordered,* That Friday next be assigned for the second reading of the said ordinance.

THURSDAY,

T H U R S D A Y, *April 19, 1787.*

Congress assembled---Present as yesterday.

Mr. Henry Lee, a delegate for Virginia, attended and produced his credentials, by which it appears, that on the first of December last, he was appointed a delegate for that state, until the first Monday in November next.

F R I D A Y, *April 20, 1787.*

Congress assembled---Present as before.

S A T U R D A Y, *April 21, 1787.*

Congress assembled---Present as before.

The committee consisting of Mr. Johnson, Mr. King, Mr. Pierce, Mr. Clarke and Mr. Pettit, to whom was referred a report of the board of treasury on certain proposals for coining copper, having reported,

That the board of treasury be authorized to contract for three hundred tons of copper coin of the federal standard, agreeably to the proposition of Mr. James Jarvis, provided that the premium to be allowed to the United States on the amount of the copper coin contracted for, be not less than 15 per cent. that it be coined at the expence of the contractor, but under the inspection of an officer appointed and paid by the United States; that the obligations to be given for the payment of the copper coin, to be delivered under such contract, be redeemable within        years after the date thereof, with an option of discharging the same at an earlier period; that they bear an interest not exceeding six per cent. per annum, and that the principal and interest accruing thereon be payable within the United States; that the whole of the monies arising from the said contract, shall be sacredly appropriated and applied to the reduction of the domestic debt.

A motion was made by Mr. Madison seconded by Mr. Few, to strike out the last clause; and on the question, *that*

shall the last clause stand, viz. that the whole of the monies, &c. the yeas and nays being required by Mr. Pettit,

	Mr. King	ay	} ay
	Mr. Dane	ay	
Rhode-Island,	Mr. Varnum	ay	} ay
	Mr. Arnold	ay	
Connecticut,	Mr. Johnson	ay	} ay
	Mr. S. M. Mitchell	ay	
New-York,	Mr. Smith	ay	} ay
	Mr. Benson	ay	
New-Jersey,	Mr. Clarke	ay	} ay
	Mr. Scheurman	ay	
Pennsylvania,	Mr. St. Clair	ay	} dd
	Mr. Pettit	ay	
	Mr. Meredith	no	
	Mr. Armstrong	no	} *
Delaware,	Mr. Kearny	no	
Virginia,	Mr. Grayson	no	} no
	Mr. Madison	no	
	Mr. Carrington	no	
	Mr. Lee	no	} no
North-Carolina,	Mr. Hawkins	no	
	Mr. Ashe	no	} dd
Georgia,	Mr. Few	no	
	Mr. Pierce	ay	

So the question was lost, and the clause was struck out.

A clause being substituted in the room of that struck out, and the blank filled, the whole was agreed to as follows ;

*Resolved*, That the board of treasury be, and they are hereby authorized to contract for three hundred tons of copper coin of the federal standard, agreeably to the proposition of Mr. James Jarvis ; provided that the premium to be allowed to the United States on the amount of copper coin contracted for, be not less than fifteen per cent. that it be coined at the expence of the contractor, but under the inspection of an officer appointed and paid by the United States.

That



That the obligations to be given, for the payment of the copper coin to be delivered under such contract, be redeemable within twenty years after the date thereof, that they bear an interest not exceeding six per cent. per annum, and that the principal and interest accruing thereon, be payable within the United States. That the whole of the aforesaid loan shall be sacredly appropriated and applied to the reduction of the domestic debt of the United States, and the premium thereon towards the payment of the interest of the foreign debt.

On a report of the board of treasury, to whom it was referred to report a plan for selling for public securities, the townships surveyed in the western territory,

*Resolved*, That after the secretary at war shall have drawn for the proportionate quantity of the lands already surveyed which were assigned to the late army agreeably to the ordinance of the 20th of May, 1785, the remainder shall be advertised for sale in one of the news-papers at least of each of the states, and at the expiration of five months from this day, the sale of the land shall commence in the place where Congress shall sit, and continue from day to day until the same shall be disposed of; provided that none of the land shall be sold at a less price than one dollar per acre, and that the sale shall be made agreeably to the mode pointed out by the ordinance aforesaid.

*Resolved*, That one third of the purchase money shall be immediately paid in any of the public securities of the United States to the treasurer of the said states, and that the remaining two thirds shall be paid in like manner in three months after the date of the sale, on which payment (a certificate thereof being previously furnished by the treasurer to the board of treasury) titles to the lands shall be given to the purchasers by the board of treasury, agreeably to the terms prescribed by the said ordinance; provided, that if the second payment shall not be made in three months as aforesaid, the first payment shall be forfeited, and the land shall again be exposed to sale.

*Ordered*, That that the board of treasury take the necessary

cessary measures for carrying the aforesaid resolutions into effect, and also for exhibiting the surveys of the lands.

When the foregoing act was under consideration, a motion was made by Mr. Gorham, seconded by Mr. Carrington, to amend it by striking out the words "in the place where Congress shall sit," and in the room thereof inserting "at Philadelphia." And on the question to agree to the amendment, the yeas and nays being required by Mr. Mitchell,

Massachusetts,	Mr. Gorham	ay	} no
	Mr. King	no	
	Mr. Dane	no	
Rhode-Island,	Mr. Varnum	ay	} ay
	Mr. Arnold	ay	
Connecticut,	Mr. Johnson	no	} no
	Mr. S.M. Mitchell	no	
New-York,	Mr. Smith	no	} no
	Mr. Benson	no	
New-Jersey,	Mr. Clarke	ay	} ay
	Mr. Scheurman	ay	
Pennsylvania,	Mr. St. Clair	ay	} ay
	Mr. Pettit	ay	
	Mr. Meredith	ay	
	Mr. Armstrong	ay	
Delaware,	Mr. Kearny	ay	} *
Virginia,	Mr. Grayson	ay	
	Mr. Madison	ay	} ay
	Mr. Carrington	ay	
	Mr. Lee	ay	
North-Carolina,	Mr. Hawkins	ay	} ay
	Mr. Ashe	ay	
Georgia,	Mr. Few	ay	} ay
	Mr. Pierce	ay	

So the question was lost

M O N D A Y, April 23, 1787.

Congress assembled---Present, Massachusetts, Rhode-  
Island,

land, New-York, New-Jersey, Pennsylvania, Virginia, North-Carolina and Georgia ; and from Connecticut, Mr. Johnson, and from Delaware, Mr. Kearny.

On motion of Mr. Carrington, seconded by Mr. Johnson ;

*Resolved*, That the privilege of sending and receiving letters and packets, free of postage, be extended to the members of the convention to be held in Philadelphia, on the second Monday in May next, in the same manner as is allowed to the members of Congress.

T U E S D A Y, *April 24, 1787.*

Congress assembled---Present as yesterday.

On a report of the secretary at war to whom was referred his letter of the 16th, transmitting an extract of a letter from major Wylls ;

*Resolved*, That the secretary at war direct the commanding officer of the troops of the United States on the Ohio, to take immediate and efficient measures for dispossessing a body of men who have in a lawless and unauthorized manner taken possession of post St. Vincents, in defiance of the proclamation and authority of the United States, and that he employ the whole or such part of the force under his command, as he shall judge necessary to effect the object.

WEDNESDAY and THURSDAY, *April 25 and 26, 1787.*

Congress assembled---Present as before.

F R I D A Y, *April 27, 1787.*

Six states only attended.

T U E S D A Y, *May 1, 1787.*

Six states attended, namely, Massachusetts, New-York, Pennsylvania,

Pennsylvania, Virginia, North-Carolina and Georgia; and from Rhode-Island, Mr. Arnold, from Connecticut, Mr. Johnson, from New-Jersey, Mr. Scheurman, and from Delaware, Mr. Kearny.

W E D N E S D A Y, May 2, 1787.

Congress assembled---Present, Massachusetts, New-York, Pennsylvania, Virginia, North-Carolina and Georgia; and from Rhode-Island, Mr. Arnold, from Connecticut, Mr. Johnson, and from Delaware, Mr. Kearny.

On a report of the committee consisting of Mr. Lee, Mr. Varnum and Mr. Pettit, to whom was referred a letter from the secretary at war, of August 1, 1786, recommending the sale of certain damaged and useless military stores;

*Resolved*, That the secretary at war be authorized and directed to sell, at public auction, or otherwise, the arms, ammunition and other stores, designated in the following list, and that he account with the board of treasury for the proceeds of the sales, viz:

At Springfield,

413 old militia arms,  
365 old militia gun barrels,  
985 old gun locks.

At West-Point.

50 or 60 tons of unserviceable iron ordnance,  
20 tons of old carriage iron,  
2000 damaged muskets,  
700 pistols,  
2 tons of salt petre,  
1000lb. of rope,  
A large number of saddles and horse harness,  
A quantity of carpenter's and blacksmith's tools,  
12 barrels of tin,  
Iron stoves and stove plates,  
A number of wooden frames and buildings,  
12 tons 10 C. 2 qrs. 13lb. damaged powder.

At

## At Philadelphia.

574lb. shruff copper,  
 394lb. black lead,  
 157lb. antimony,  
 956lb. old junk,  
 517lb. desk furniture,  
 194 damaged muskets,  
 1066 damaged carbines,  
 4446 damaged musket barrels.

## At Carlisle.

2772 pounds of paper forts,  
 5892 ditto nails,  
 5079 ditto bar iron  
 3600 ditto steel,  
 288 ditto antimony,  
 195 yards duck,  
 Blacksmith's tools,  
 2942 old musket locks,  
 121lb. iron wire,  
 62 fides of tanned leather,  
 116 3-4lb. of copperas,  
 3673 damaged muskets,  
 1409 damaged cartidge boxes.

## Virginia.

7 ton 3 C. damaged powder.

## T H U R S D A Y, May 3, 1787.

Congress assembled---Present, Massachusetts, New-York, New-Jersey, Pennsylvania, Maryland, Virginia, North-Carolina and Georgia; and from Delaware, Mr. Kearny, and from Rhode-Island, Mr. Arnold.

Mr. David Ross and Mr. Nathaniel Ramfay, delegates for Maryland, attended and produced credentials, whereby it appears that they are appointed to represent the said state in Congress, for one year from the second Monday in December, 1786.

The committee consisting of Mr. Gorham, Mr. Pettit and Mr. Grayson, to whom was referred the memorial of John

H

Dean,

Dean, jun. in behalf of John Dean and Henry Bowers, of Boston, in the state of Massachusetts, praying that a sea letter may be granted for the ship Friendship, Josiah Roberts, commander, having reported,

That they are assured that the vessel abovementioned, with her cargo, belongs to citizens of the United States, and is navigated by citizens of the United States.

*Resolved*, That a sea letter in the usual form be granted.

On a report of the board of treasury to whom was referred a motion for repealing the special requisition of the 21st of October last, together with the resolve directing the board of treasury to open a loan on the credit of the said requisition ;

*Resolved*, That all monies accruing from the requisition of the 21st of October last, or advanced by any of the states, for the recruiting, subsisting or cloathing of the troops directed to be raised by the resolves of Congress, of the 20th of October last, be credited to such states on the specie requisition of 1784, 1785 or 1786, at the option of the states respectively : provided, that no state, having made such advances, shall obtain credit therefor, till the accounts relative to the same, are adjusted at the treasury of the United States.

*Resolved*, That the act of Congress of the 21st of October last, directing the board of treasury to open a loan on the credit of the said requisition, be, and it is hereby repealed.

Congress proceeded to the consideration of the report of the secretary of the United States, for the department of foreign affairs, to whom was referred his letter of 8th December last, to his excellency the president, with two commissions from his Britannic majesty, dated the 5th day of April, 1786, the one constituting Phineas Bond, Esq. his consul, for New-York, New-Jersey, Pennsylvania, Delaware and Maryland ; the other constituting him his majesty's commissary for commercial affairs throughout the United States, and Congress approved of the said report, and agreed to the following resolutions, to wit.

“ Whereas

“Whereas Phineas Bond, Esq. has presented to the United States in Congress assembled, a commission in due form, bearing date the 5th April, 1786, from his Britannic majesty, constituting and appointing him the consul of his said majesty in the states of New-York, New-Jersey, Pennsylvania, Delaware and Maryland, and altho’ no commercial treaty or convention subsists between his majesty and the United States whereby either have a perfect right to establish consuls or commissaries in the dominions of the other, yet as the United States are disposed by every proper mark of liberality and attention to promote a good correspondence between the two countries, and particularly as amicable negotiations are now depending between them.”

*Resolved*, That the said Phineas Bond, Esq. be and he hereby is received and recognized as the consul of his Britannic majesty throughout the states of New-York, New-Jersey, Pennsylvania Delaware and Maryland, and that his commission be registered in the secretary’s office.

*Resolved*, That all the privileges, pre-eminences and authority which the laws of nations and of the land give to a consul received by the United States from any any nation with whom they have no commercial treaty or convention, are due to, and shall be enjoyed by the said Phineas Bond, as consul for the five states abovementioned, and that certified copies of these resolutions be transmitted to the executives of the said five states for their information.

F R I D A Y, May 4, 1787.

Congress assembled--Present as before.

An ordinance for settling the accounts between the United States and individual states, was read a second time.

*Ordered*, That Monday next be assigned for the third reading of the said ordinance.

*Ordered*, That Monday next be assigned for the election,

two commissioners for settling the accounts of the five great departments.

M O N D A Y, *May 7, 1787.*

Congress assembled, Present, Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina and Georgia; and from Rhode-Island, Mr. Arnold.

Congress proceeded to the election of two commissioners for settling the accounts of the five great departments, and the ballots being taken,

Mr. *Jonathan Burrall* was unanimously elected a commissioner for settling the accounts of the quartermaster's and commissary's departments, having been previously nominated by Mr. Pettit.

Mr. *Benjamin Walker* was unanimously elected commissioner for settling the accounts of the hospital, marine and clothier's departments, having been previously nominated by Mr. King.

Congress resumed the consideration of the ordinance for settling the accounts between the United States and individual states, and the following clause being under debate, viz.

“ And be it further ordained, that wherever it shall appear to the said board of commissioners, that advances or disbursements of the description aforesaid, have been made by any of the states, that the said commissioners be, and they are hereby vested with full power and authority to make such allowance for the same, as they shall think consistent with the principles of general equity.”

A motion was made by Mr. Benson, seconded by Mr. Smith, to amend the clause, so that it read as follows :

And be it further ordained, that wherever it shall appear to the said board of commissioners, that advances or disbursements have been made by any of the states, for articles or services for the use of the United States, that the said commissioners be, and they are hereby vested with full power and authority to make such allowance for the same



same, as they shall think consistent with the principles of general equity, although such advances or disbursements may not be sanctioned by the resolves of Congress, or supported by regular vouchers.

On the question to agree to this amendment, the yeas and nays being required by Mr. Grayson ;

Massachusetts,	Mr. Gorham	no	} no
	Mr. Dare	no	
Rhode-Island,	Mr. Arnold	ay	} *
New-York,	Mr. Smith	ay	
	Mr. Haring	ay	} ay
	Mr. Benson	ay	
New-Jersey,	Mr. Clarke	ay	} ay
	Mr. Scheurman	ay	
Pennsylvania,	Mr. St. Clair	ay	} ay
	Mr. Pettit	ay	
	Mr. Meredith	ay	} del
Delaware,	Mr. Mitchell	ay	
	Mr. Kearny	no	} ay
Maryland,	Mr. Ross	ay	
	Mr. Ramsay	ay	} ay
Virginia,	Mr. Grayson	no	
	Mr. Carrington	ay	} ay
	Mr. Lee	ay	
North-Carolina,	Mr. Hawkins	ay	} ay
	Mr. Ashe	ay	
Georgia,	Mr. Few	ay	} ay
	Mr. Pierce	ay	

So it was resolved in the affirmative.

The following clause being under debate, viz.

“ And whereas it is essential to the welfare of the confederacy, that the accounts of the several states should be speedily adjusted ; that this adjustment should be effected on uniform principles, and that provision should be made for allowing such disbursements as may have been made by the respective states for the benefit of the union, although the

the same be not sanctioned by the resolves of Congress, or supported by regular vouchers."

A motion was made by Mr. Benson to strike out "benefit," and in lieu thereof to insert "use."

And on the question to agree to this amendment, the yeas and nays being required by Mr. Grayson;

Massachusetts,	Mr. Gorham	no	}	no
	Mr. Dane	no		
Rhode-Island,	Mr. Arnold	ay	]	*
	Mr. Smith	ay		
New-York,	Mr. Haring	ay	}	ay
	Mr. Benson	ay		
New-Jersey,	Mr. Clarke	ay	}	ay
	Mr. Scheurman	ay		
Pennsylvania,	Mr. St. Clair	ay	}	ay
	Mr. Pettit	ay		
Delaware,	Mr. Meredith	ay	}	dd
	Mr. Mitchell	ay		
Maryland,	Mr. Kearny	no	}	ay
	Mr. Rofs	ay		
Virginia,	Mr. Ramsay	ay	}	ay
	Mr. Grayson	no		
North-Carolina,	Mr. Carrington	ay	}	ay
	Mr. Lee	ay		
Georgia,	Mr. Hawkins	ay	}	ay
	Mr. Ashe	ay		
	Mr. Few	ay	}	ay
	Mr. Pierce	ay		

So it was resolved in the affirmative.

The ordinance being amended and read a third time; on the question shall this ordinance pass, the yeas and nays being required by Mr. Clarke:

Massachusetts,	Mr. Gorham	ay	}	ay
	Mr. Dane	ay		
Rhode-Island,	Mr. Arnold	ay	]	*
New-York,				

New-York,	Mr. Smith	ay	} ay
	Mr. Haring	ay	
	Mr. Benson	ay	
New-Jersey,	Mr. Clarke	ay	} ay
	Mr. Schuerman	ay	
Pennsylvania,	Mr. St. Clair	ay	
	Mr. Pettit	ay	} ay
	Mr. Meredith	ay	
Delaware	Mr. Mitchell	ay	
	Mr. Kearny	ay	} ay
Maryland,	Mr. Ross	ay	
	Mr. Ramsay	ay	
Virginia,	Mr. Grayson	ay	} ay
	Mr. Carrington	ay	
	Mr. Lee	ay	
North-Carolina,	Mr. Hawkins	ay	} ay
	Mr. Ashe	ay	
Georgia,	Mr. Few	ay	
	Mr. Pierce	ay	} ay

So it passed unanimously as follows :

An ordinance for settling the accounts between the United States and individual states.

Be it ordained by the United States in Congress assembled, that five commissioners be appointed by the board of treasury, whose duty it shall be to go to the several states in the districts hereafter mentioned, for which they may be respectively appointed, for the purpose of stating the accounts of the states within those districts, against the United States.

That the states of New-Hampshire, Massachusetts, Connecticut and Rhode-Island, form one district. That the states of New-York, and New-Jersey, form one district. That the states of Pennsylvania, Delaware and Maryland, form one district. That the states of Virginia and North-Carolina, form one district. And that the states of South-Carolina and Georgia, form one district.

That it shall be the duty of the said commissioners respectively to receive of the states for which they are appointed, all their accounts and vouchers for payments made

made on account of bounties, pay and depreciation of pay, to the late army of the United States : and for advances to the militia, called out under the authority of the United States, and actually in their service, and to give descriptive acknowledgements thereof to the states from which they may be received, which accounts and vouchers shall be immediately forwarded to the commissioner of army accounts, whose duty it shall be to examine and pass such as are authorized by the resolves of Congress, and supported by proper vouchers; and to state such as may not fall under the above description, together with such remarks as may tend to elucidate the nature of these claims.

That it shall further be the duty of the said commissioners, to receive in like manner, the accounts and vouchers for monies paid, and supplies furnished on the requisitions of Congress, made previously to Oct. 1781, and to forward the same to the office of the comptroller of the treasury.

That it shall also be the duty of the said commissioners to receive and examine all the claims of the states to which they are appointed, against the United States for advances or disbursements by them made for the use of the late commissary, quarter master, cloathing, maine and hospital departments, or under any other description whatsoever, to pass upon all such as are authorized by the resolves of Congress, and supported by proper vouchers, so far as it respects the evidence offered in support of the said claims, and to state such as are not thus warranted or supported, together with such remarks as may explain the nature of these accounts, and the reasons offered for the deficiency of vouchers.

And be it further ordained by the authority aforesaid, that on all the accounts aforesaid interest shall be allowed at the rate of six per cent. per annum, agreeably to the resolves of Congress.

And whereas it is essential to the welfare of the confederacy, that the accounts of the several states should be speedily adjusted : that this adjustment should be effect-  
ed

ed on uniform principles, and that provision should be made for allowing such advances or disbursements as may have been made by the respective states for the use of the union, although the same be not sanctioned by the resolves of Congress, or supported by regular vouchers.

Be it therefore ordained, That the several states be, and they are hereby limited to the space of six months for exhibiting to the proper commissioner, their claims against the United States, of whatever nature the same may be : and that such states as may neglect to exhibit the same within that period of time, after the commissioner has notified to the supreme executive thereof, that he is ready to proceed on the business of his commission, shall be precluded from any future allowance ; but shall nevertheless stand chargeable with all advances of money or other articles which may have been made to them respectively by the United States, and with whatever balances may be yet due on their several quotas of the general requisitions.

And be it further ordained, that the said commissioners of districts, shall within twelve months after they enter on the duties of their several appointments, repair to the place, where the United States in Congress may hold their sessions, with such accounts and vouchers as they may have in possession, and deliver the same to the comptroller of the treasury, on which their commission shall terminate.

Be it further ordained, That a board, consisting of three commissioners be appointed by the United States in Congress Assembled, whose duty it shall be to receive from the comptroller of the treasury, and from the commissioner of army accounts, all the accounts and claims of the several states deposited in their respective offices, and to examine such of the said accounts as shall have been passed by the commissioners of the several districts, in order that the same may be finally adjusted on uniform and equitable principles, having reference to the settlement of accounts heretofore made by the commissioners of the different states : Provided that such revision of the  

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accounts,

accounts abovementioned, shall not in any wise affect the validity of the vouchers admitted by the commissioners of the respective districts.

And be it further ordained, That wherever it shall appear to the said board of commissioners, that advances or disbursements, payments or supplies, of the description aforesaid, have been made by any of the states, subsequent to the 18th of April 1775, for articles or services for the use of the United States, That the said commissioners be, and they are hereby vested with full power and authority to make such allowance for the same as they shall think consistent with the principles of general equity, although such advances or disbursements may not be sanctioned by the resolves of Congress, or supported by regular vouchers, so as to enable the said commissioners to make a final adjustment of all the accounts subsisting between the United States and the several members thereof, agreeably to such quota as Congress shall hereafter determine.

And be it further ordained, That the determination of a majority of the aforesaid board of commissioners on the claims submitted to them shall be final and conclusive, and that their commission shall continue in force for one year and an half, from the time of their entering on the duties of their office, unless sooner revoked by Congress.

And be it further ordained, That the pay of the commissioners of districts, shall be at the rate of twelve hundred and fifty dollars per annum; and that of their clerks at the rate not exceeding four hundred and fifty dollars per annum, each.

And be it further ordained, That every person employed, or to be employed in pursuance of this ordinance shall previous to entering on the duties of his office, take and subscribe an oath faithfully and impartially to perform the duties of the office to which he is appointed, certificates of which shall be deposited with the secretary of Congress.

And be it further ordained, That the ordinance of the 13th of October, 1786, entitled, " An ordinance for establishing

Done, &c.

Pennsylvania,

Pennsylvania,	Mr. St. Clair	no	} ay
	Mr. Pettit	ay	
	Mr. Meredith	ay	
Delaware	Mr. Mitchell	no	} no
	Mr. Kearny	no	
Maryland,	Mr. Rofs	ay	} ay
	Mr. Ramsay	ay	
Virginia,	Mr. Grayson	ay	} ay
	Mr. Carrington	ay	
	Mr. Lee	ay	
North-Carolina,	Mr. Hawkins	ay	} ay
	Mr. Ashe	ay	
South-Carolina,	Mr. Huger	ay	] *
So the question was lost.			

On the question to agree to the report of the committee, the yeas and nays being required by Mr. Grayson ;

Massachusetts,	Mr. Gorham	no	} ne
	Mr. King	no	
	Mr. Dane	no	
Rhode-Island,	Mr. Arnold	no	] *
New-York,	Mr. Smith	no	
New-Jersey,	Mr. Benfon	no	} ne
	Mr. Clarke	no	
Pennsylvania,	Mr. Scheurman	no	} no
	Mr. St. Clair	no	
	Mr. Pettit	no	
Delaware,	Mr. Meredith	ay	} no
	Mr. Mitchell	no	
	Mr. Kearny	no	
Maryland,	Mr. Rofs	no	} dd
	Mr. Ramsay	ay	
Virginia,	Mr. Grayson	ay	} ay
	Mr. Carrington	ay	
	Mr. Lee	ay	
North-Carolina,	Mr. Hawkins	no	} ne
	Mr. Ashe	no	
South-Carolina,	Mr. Huger	ay	] *
So the question was lost.			



On a report of the secretary at war, enclosing the resignation of ensign Bissel.

*Resolved*, That the resignation of ensign Bissel, of colonel Harmar's regiment, be accepted.

On motion of Mr. King,

*Resolved*, That the board of treasury be, and hereby are authorized to dispose of the public copper on hand, either by sale or contract, for the coinage of the same, as they shall judge most for the interest of the United States.

W E D N E S D A Y, May 9, 1787.

Congress assembled---Present, Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina and Georgia; and from Rhode-Island, Mr. Arnold, and from South-Carolina, Mr. Hunger.

Congress proceeded in the second reading of the ordinance for the government of the western territory, and the following clause being under debate, viz.

"The representatives thus elected, shall serve for the term of two years."

A motion was made by Mr. Grayson, to amend the same, by striking out "two," and insert "three."

On the question to agree to this amendment, the yeas and nays being required by Mr. Grayson;

Massachusetts,	Mr. Gorham	ay	} no
	Mr. King	no	
	Mr. Dane	no	
Rhode-Island,	Mr. Arnold	no	} *
New-York,	Mr. Smith	no	
	Mr. Benson	ay	} dd
New-Jersey,	Mr. Clarke	ay	
	Mr. Scheurman	no	} dd
Pennsylvania,	Mr. St. Clair	ay	
	Mr. Pettit	no	} ay
	Mr. Meredith	ay	
	Mr. Armstrong	ay	
	Delaware,		

Delaware,	Mr. Mitchell	ay	} ay
	Mr. Kearny	ay	
Maryland,	Mr. Rofs	ay	} ay
	Mr. Ramsay	ay	
Virginia,	Mr. Grayson	ay	} ay
	Mr. Carrington	ay	
	Mr. Lee	ay	
North-Carolina,	Mr. Hawkins	ay	} dd
	Mr. Ashe	no	
South-Carolina,	Mr. Huger	ay	} *

So the question was lost.

The ordinance being amended,

*Ordered*, That it be transcribed, and that Thursday next be assigned for the third reading.

A letter of this day from the secretary for foreign affairs, requesting leave of absence, was read :

*Ordered*, That leave be granted agreeably to his request.

## THURSDAY, May 10, 1787.

Congress assembled---Present as before.

A motion was made by Mr. Pierce, seconded by Mr. Few, for repealing the order passed September 1, 1786; and on the question to agree to the motion, the yeas and nays being required by Mr. Pierce ;

Maffachusetts,	Mr. King	no	} no
	Mr. Dane	no	
Rhode-Island,	Mr. Arnold	no	} *
New-York,	Mr. Smith	no	
New-Jersey,	Mr. Clarke	ay	} ay
	Mr. Scheurman	ay	
Pennsylvania,	Mr. St. Clair	ay	} ay
	Mr. Pettit	ay	
	Mr. Meredith	ay	
	Mr. Armstrong	ay	} ay
Delaware,	Mr. Mitchell	ay	
	Mr. Kearny	ay	} ay
			Maryland,

Maryland,	Mr. Ross	ay)
	Mr. Ramsay	ay) ay
Virginia,	Mr. Grayson	ay)
	Mr. Carrington	ay) ay
	Mr. Lee	ay)
North-Carolina	Mr. Hawkins	ay) ay
	Mr. Ashe	ay) ay
South-Carolina,	Mr. Huger	ay) *
Georgia,	Mr. Few	ay)
	Mr. Pierce	ay) ay

So it was

*Resolved*, That the order passed on the first day of September, 1786, in the words following, viz. "That when a question is set aside by the previous question, it shall not be in order afterwards, formally or substantially, to move the same, unless there shall be the same, or as many States represented in Congress, be, and the same is hereby repealed."

A motion was made by Mr. Kearny, seconded by Mr. Meredith, in the words following, viz.

*Resolved*, That on the 16th of the present month, Congress will adjourn, to meet on the second Monday in June next, at the city of Philadelphia, in the state of Pennsylvania, for the dispatch of public business; and the president of Congress is hereby authorized and directed on the said 16th day of May, to adjourn Congress accordingly.

This being objected to as not in order, and the president calling for the judgment of the house, the question was stated by Mr. King, in the words following, viz.

Is the motion of Mr. Kearny in order? The same being in direct opposition to a clause of an ordinance of Congress of the 23d day of December, 1784, in the words following, viz. "That on the 24th day of December instant, Congress stand adjourned to meet at the city of New-York, on the 11th day of January following, for the dispatch of public business, and that the sessions of Congress be held at the place last mentioned, until the buildings aforesaid shall be ready for their reception."

On

On the question, the yeas and nays being required by Mr. King ;

Massachusetts,	Mr. Gorham	no)
	Mr. King	no)no
	Mr. Dane	no)
New-York,	Mr. Smith	no)
	Mr. Benson	no)no
New-Jersey,	Mr. Clarke	ay)dd
	Mr. Scheurman	no)dd
Pennsylvania,	Mr. St. Clair	ay)
	Mr. Pettit	ay)
	Mr. Meredith	ay)ay
	Mr. Armstrong	ay)
Delaware,	Mr. Mitchell	ay)
	Mr. Kearny	ay)ay
Maryland,	Mr. Rofs	ay)
	Mr. Ramsay	ay)ay
Virginia,	Mr. Grayson	ay)
	Mr. Carrington	ay)ay
	Mr. Lee	ay)
North-Carolina,	Mr. Blount	ay)
	Mr. Ashe	ay)ay
South-Carolina,	Mr. Huger	ay)*
Georgia,	Mr. Few	ay)
	Mr. Pierce	ay)ay

So the motion was set aside, as being out of order.

The order of the day was called by the state of Massachusetts, for the third reading of the ordinance for a temporary government of the western territory, and being postponed ;

A motion was made by Mr. Kearny, seconded by Mr. Blount, in the words following, viz.

*Resolved*, That on the 16th of the present month, May, Congress will adjourn to meet on the second Monday in June next, at the city of Philadelphia, in the state of Pennsylvania, for the dispatch of public business; and the

the president of Congress is hereby authorized and directed on the said 16th day of May, to adjourn Congress accordingly; any thing in the ordinance of the 23d of December 1784 contained, to the contrary notwithstanding.

A motion was then made by Mr. Lee, seconded by Mr. Huger, to postpone the motion before the house, to take up the following, viz.

Whereas the convenient and due administration of the government of the United States requires, that a permanent situation most central to all parts of the union, be established for holding the sessions of Congress, resolved, that the board of treasury take measures for erecting the necessary public buildings for the accommodation of Congress, at Georgetown on Potowmac river, so soon as the soil and jurisdiction of the said town are obtained; and that on the completion of the said buildings, that Congress adjourn their sessions to the said federal town: Resolved, That the states of Maryland and Virginia, be allowed a credit in the requisition of 1787, and in the arrearages due on past requisitions for such sums of money which they may respectively furnish towards the erection of the said buildings.

On the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. Lee;

Massachusetts,	Mr. Gorham	ay	}	
	Mr. King	ay		ay
	Mr. Dane	ay		
Rhode-Island,	Mr. Arnold	ay	}	*
New-York,	Mr. Smith	ay		
	Mr. Benson	ay	}	ay
New-Jersey,	Mr. Clark	no		no
	Mr. Scheurman	no	}	
Pennsylvania,	Mr. St. Clair	no		
	Mr. Pettit	no	}	no
	Mr. Meredith	no		
	Mr. Armstrong	no	}	
Delaware,	Mr. Mitchell	no		no
	Mr. Kearny	no	}	
Maryland,	Mr. Ross	no		no
	Mr. Ramsay,	no	}	
	K			Virginia,

Virginia,	Mr. Grayson	ay	} ay
	Mr. Carrington	ay	
	Mr. Lee	ay	
North-Carolina,	Mr. Blount	no	} no
	Mr. Ashe	no	
South-Carolina,	Mr. Huger	ay	} *
Georgia,	Mr. Few	ay	
	Mr. Pierce	ay	} ay

So the question was lost.

A motion was then made by Mr. Lee, seconded by Mr. Carrington, to amend the motion before the house by adding the following words :

That the board of treasury take order for the payment of all just expences which the officers of the United States may be involved in by the adjournment of Congress, before the expiration of the year.

And on the question for amendment, the yeas and nays being required by Mr. Lee ;

Massachusetts,	Mr. Gorham	ay	} ay
	Mr. King	ay	
	Mr. Dane	ay	
Rhode-Island,	Mr. Arnold	ay	} *
New-York,	Mr. Smith	ay	
	Mr. Benson	ay	} ay
New-Jersey,	Mr. Clark	no	
	Mr. Scheurman	no	} no
Pennsylvania,	Mr. St. Clair	no	
	Mr. Pettit	no	} no
	Mr. Meredith	no	
	Mr. Armstrong	no	} no
Delaware,	Mr. Mitchell	no	
	Mr. Kearny	no	} no
Maryland,	Mr. Ross	no	
	Mr. Ramsay	no	} no
Virginia,	Mr. Grayson	ay	
	Mr. Carrington	ay	} ay
	Mr. Lee	ay	
North-Carolina,			

North-Carolina,	Mr. Blount	<i>no</i>	}	<i>no</i>
	Mr. Ashe	<i>no</i>		
South-Carolina, Georgia,	Mr. Huger	<i>no</i>	}	*
	Mr. Few	<i>no</i>		
	Mr. Pierce	<i>no</i>		

So, the question was lost.

A motion was then made by Mr. Carrington, seconded by Mr. Dane, to amend the motion before the house, by striking out "the sixteenth of the present month" and "second Monday in June next," and insert "the 10th of October next," and "the 30th of the same."

On the question to agree to the amendment, the yeas and nays being required by Mr. Carrington;

Massachusetts,	Mr. Gorham	<i>no</i>	}	<i>no</i>
	Mr. King	<i>no</i>		
	Mr. Dane	<i>ay</i>		
Rhode-Island,	Mr. Arnold	<i>ay</i>	}	*
	Mr. Smith	<i>ay</i>		
New-York,	Mr. Benson	<i>no</i>	}	<i>ddl</i>
	Mr. Clark	<i>no</i>		
New-Jersey,	Mr. Scheurman	<i>ay</i>	}	<i>ddl</i>
	Mr. St. Clair,	<i>no</i>		
Pennsylvania,	Mr. Pettit,	<i>ay</i>	}	<i>no</i>
	Mr. Meredith.	<i>no</i>		
	Mr. Armstrong	<i>no</i>		
	Mr. Mitchell	<i>ay</i>		
Delaware,	Mr. Kearny	<i>no</i>	}	<i>ddl</i>
	Mr. Ross	<i>ay</i>		
Maryland,	Mr. Ramsay	<i>ay</i>	}	<i>ay</i>
	Mr. Grayson	<i>ay</i>		
Virginia,	Mr. Carrington	<i>ay</i>	}	<i>ay</i>
	Mr. Lee	<i>ay</i>		
	Mr. Blount	<i>no</i>		
North-Carolina,	Mr. Ashe	<i>ay</i>	}	<i>ddl</i>
	Mr. Huger	<i>ay</i>		
South-Carolina,	Mr. Huger	<i>ay</i>	}	*
	Mr. Few	<i>ay</i>		
Georgia,	Mr. Few	<i>ay</i>	}	<i>ay</i>
	Mr. Pierce	<i>ay</i>		

So, the question was lost.

A.

A motion was then made by Mr. Dane, to amend the motion by striking out "on the second Monday in June next," and the question being lost, the words were struck out.

FRIDAY, May 11, 1787.

Congress assembled--Present Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina and Georgia; and from Rhode-Island Mr. Arnold, and from South-Carolina Mr. Huger.

On motion of Mr. King,

*Resolved*, That the board of treasury take order for the payment of five hundred dollars to John Warren, guardian of the eldest son of the late general Warren, for his education for the term of one year, commencing on the 4th day of July last.

*Resolved*, That the board of treasury take order for the payment of four hundred dollars to the guardian of Hugh Pierce, son of the late general Mercer, for his education for one year, commencing on the 27th day of April last.

SATURDAY, May 12, 1787.

Six states attended, namely, Massachusetts, Pennsylvania, Delaware, Maryland, Virginia and Georgia; and from Rhode-Island Mr. Arnold, from New-York Mr. Benson, and from North-Carolina Mr. Hawkins.

MONDAY, May 14, 1787.

Six states assembled, namely, Massachusetts, New-York, Pennsylvania, Delaware, Virginia and North-Carolina; and from Rhode-Island Mr. Arnold, from Maryland Mr. Ross, from South-Carolina Mr. Huger, and from Georgia Mr. Pierce.

TUESDAY, May 15, 1787.

Five states assembled, namely, Massachusetts, New-York, Pennsylvania, Virginia and North-Carolina; and from Rhode-Island Mr. Arnold, from Delaware Mr. Kearny, from Maryland Mr. Ross, and from South-Carolina Mr. Huger.

WEDNESDAY,



W E D N E S D A Y, *May 16, 1787.*

Five states assembled, namely, Massachusetts, New-York, Pennsylvania, Virginia and North-Carolina; and from Georgia Mr. Pierce.

T H U R S D A Y, *May 17, 1787.*

The same as before.

F R I D A Y, *May 18, 1787.*

Four states assembled, namely, Massachusetts, New-York, Pennsylvania and North-Carolina; and from Virginia Mr. Lee, and from Georgia Mr. Pierce.

M O N D A Y, *May 21, 1787.*

The same as before.

T U E S D A Y, *May 22, 1787.*

Five states assembled, namely, Massachusetts, New-York, Pennsylvania, Virginia and North-Carolina; and from Georgia Mr. Pierce.

W E D N E S D A Y, *May 23, 1787.*

Five states assembled, namely, Massachusetts, New-York, Pennsylvania, Virginia and North-Carolina; and from Rhode-Island Mr. Varnum, from New-Jersey Mr. Clarke, and from Georgia Mr. Pierce.

T H U R S D A Y, *May 24, 1787.*

Five states assembled, and the same as before.

F R I D A Y, *May 25, 1787.*

Four states assembled, namely, New-York, Pennsylvania, Virginia and North-Carolina; and from Massachusetts Mr. Dane, from Rhode-Island Mr. Varnum, and from New-Jersey Mr. Clarke.

SATURDAY,

SATURDAY, *May 26, 1787.*

Four states assembled as before; and from Massachusetts Mr. Dane.

MONDAY, *May 28, 1787.*

Four states assembled, namely, New-York, Pennsylvania, Virginia and North-Carolina; and from Massachusetts Mr. Dane.

TUESDAY, *May 29, 1787.*

The same as before; and from South-Carolina Mr. Kean.

WEDNESDAY, *May 30, 1787.*

Four states assembled, namely, New-York, Pennsylvania, Virginia and North-Carolina; and from Massachusetts Mr. Dane.

THURSDAY, *May 31, 1787.*

The same as before.

FRIDAY, *June 1, 1787.*

Three states assembled, namely, New-York, Virginia and North-Carolina; and from Massachusetts Mr. Dane, from Pennsylvania Mr. Armstrong, and from South-Carolina Mr. Huger.

SATURDAY, *June 2, 1787.*

The same as before.

MONDAY, *June 4, 1787.*

Three states assembled, namely, New-York, Virginia and North-Carolina, and from Massachusetts Mr. Dane, and from Pennsylvania Mr. Armstrong.

TUESDAY, *June 5, 1787.*

Four states assembled, namely, New-York, New-Jersey, Virginia and North-Carolina; and from Massachusetts Mr. Dane.

WEDNESDAY,

J U N E, 1787.

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W E D N E S D A Y, *June 6, 1787.*

The same as before.

THURSDAY and FRIDAY, *June 7 and 8, 1787.*

The same as before.

S A T U R D A Y, *June 9, 1787.*

Four states assembled, namely, New-York, New-Jersey, Virginia and North-Carolina ; and from Massachusetts Mr. Dane.

M O N D A Y, *June 11, 1787.*

Three states assembled, namely, New-York, Virginia and North-Carolina ; and from Massachusetts Mr. Dane, from New-Jersey Mr. Clarke, and from South-Carolina Mr. Kean.

T U E S D A Y, *June 12, 1787.*

The same as before.

W E D N E S D A Y, *June 13, 1787.*

The same as before.

T H U R S D A Y, *June 14, 1787.*

Three states assembled, namely, New-York, Virginia and North-Carolina ; and from Massachusetts Mr. Dane.

FRIDAY and SATURDAY, *June 15 and 16, 1787.*

The same as before.

M O N D A Y, *June 18, 1787.*

Three states assembled, namely, New-York, Virginia and North-Carolina ; and from Massachusetts Mr. Dane, and from New-Jersey Mr. Clarke.

TUESDAY,

T U E S D A Y, *June 19, 1787.*

Two states assembled, namely, New-York and Virginia; and from Massachusetts Mr. Dane, and from New-Jersey Mr. Clarke.

W E D N E S D A Y, *June 20, 1787.*

Two states assembled, namely, New-York and Virginia; and from Massachusetts Mr. Dane, from New-Jersey Mr. Clarke, from Pennsylvania Mr. Armstrong, and from South-Carolina Mr. Kean.

T H U R S D A Y, *June 21, 1787.*

Four states assembled, namely, Massachusetts, New-York, New-Jersey and Virginia; and from South-Carolina Mr. Kean.

Mr. Holten, a delegate for Massachusetts, attended.

F R I D A Y, *June 22, 1787.*

The same as before.

S A T U R D A Y, *June 23, 1787.*

Three states assembled, namely, Massachusetts, New-York and Virginia; and from South-Carolina, Mr. Kean.

F R I D A Y, *June 29, 1787.*

The same as above attended this week; and from Pennsylvania Mr. Armstrong.

M O N D A Y, *July 2, 1787.*

Four states attended, namely, Massachusetts, New-York, Virginia and South-Carolina.

T U E S D A Y, *July 3, 1787.*

Four states attended as yesterday; and from the state of New-Jersey Mr. Clarke, and from Pennsylvania Mr. Armstrong.

WEDNESDAY,

JULY, 1787.

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WEDNESDAY, July 4, 1787.

Congress assembled----Present Massachusetts, New-York, New-Jersey, Virginia, North-Carolina, South Carolina and Georgia.

The president being absent, Congress proceeded to the election of a chairman; and the ballots being taken,

The honorable W. Grayson was elected.

THURSDAY, July 5, 1787.

Four states only attending, namely. Massachusetts, New-Jersey, Virginia and South-Carolina; and from New-York Mr. Haring, from Pennsylvania Mr. Armstrong, from North-Carolina Mr. Hawkins, and from Georgia Mr. Few; the chairman adjourned Congress until 11 o'clock to-morrow.

FRIDAY, July 6, 1787.

Congress assembled--Present Massachusetts, New-York, New-Jersey, Virginia, North-Carolina, South-Carolina and Georgia; and from Pennsylvania Mr. Armstrong.

On the report of a committee, consisting of Mr. Pierce, Mr. Kean and Mr. Holten, to whom was referred a letter of the 11th May, from the board of treasury:

*Resolved*, That the board of treasury direct the contractor for the copper coinage to stamp on one side of each piece the following device, viz. Thirteen circles linked together, a small circle in the middle with the words "United States" round it; and in the centre, the words "We are one;" on the other side of the same piece the following devices, viz. A dial with the hours expressed on the face of it; a meridian sun above, on one side of which is to be the word "Fugio," and on the other the year in figures "1787" below the dial, the words "Mind your Business."

On motion of Mr. Kean, seconded by Mr. Holten:

*Ordered*, That the secretary of Congress write to the executives of the states not represented in Congress, and request them to urge the immediate attendance of their de-

legates,

legates,

legates, as business of the greatest importance is neglected through their non-attendance.

S A T U R D A Y, *July 7, 1787.*

Congress assembled--Present as yesterday.

M O N D A Y, *July 9, 1787.*

Congress assembled---Present as before.

Mr. Richard Henry Lee, a delegate for the state of Virginia, attended and took his seat.

T U E S D A Y, *July 10, 1787.*

Congress assembled---Present as before.

W E D N E S D A Y, *July 11, 1787.*

Congress assembled--Present the seven states abovementioned.

The committee, consisting of Mr. Carrington, Mr. Dane, Mr. R. H. Lee, Mr. Kean and Mr. Smith, to whom was referred the report of a committee touching the temporary government of the western territory, reported an ordinance for the government of the territory of the United States north-west of the river Ohio, which was read a first time :

*Ordered,* That to-morrow be assigned for second reading.

T H U R S D A Y, *July 12, 1787.*

Congress assembled--Present Massachusetts, New-York, New-Jersey, Delaware, Virginia, North-Carolina, South-Carolina and Georgia.

On a report of the board of treasury ;

*Resolved,* That all officers in the line of the late army who may be entitled to pensions, in pursuance of the acts of Congress in that behalf made, shall, previous to the receipt of such pension, deposit with the proper officers appointed to discharge the same in the state in which they reside, a certificate from the commissioner of army accounts,

counts, purporting that no balance is due from the claimant to the United States.

According to order, the ordinance for the government of the territory of the United States north-west of the river Ohio, was read a second time.

*Ordered*, That to-morrow be assigned for the third reading of the said ordinance.

F R I D A Y, *July 13, 1787.*

Congress assembled---Present as yesterday.

According to order, the ordinance for the government of the territory of the United States north-west of the river Ohio was read a third time, and passed as follows:

AN ORDINANCE for the GOVERNMENT of the TERRITORY of the UNITED STATES, North-West of the RIVER OHIO.

**B**E IT ORDAINED by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child in equal parts; the descendants of a deceased child or grand-child, to take the share of their deceased parent in equal parts among them. And where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collateral, the children of a deceased brother or sister of the intestate, shall have in equal parts among them their deceased parents share; and there shall in no case be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one third part of the personal estate.

and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. — And until the governor and judges shall adopt laws as herein a ter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be (being of full age) and attested by three witnesses; ---and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincent's, and the neighbouring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress, he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the legislature and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress; There shall also be appointed a court to consist



of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behaviour.

The governor and judges, or a majority of them shall adopt and publish in the district, such laws of the original states, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time; which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being, shall be commander in chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same: After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof---and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may hereafter be made by the Legislature.

So

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly; provided that for every five hundred free male inhabitants, there shall be one representative, and so on progressively with the number of free male inhabitants shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature: provided that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and in either case, shall likewise hold in his own right, in fee simple, two hundred acres of land within the same: provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the states, and being resident in the district, or the like freehold and two years residence in the district shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum: and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and, when met, they shall nominate ten persons, residents in the district, and each

each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term. And every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office; the governor before the president of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitution, are erected: to fix and establish those principles as the basis of all laws, con-

stitutions,

stitutions, and governments, which forever hereafter shall be formed in the said territory : to provide also for the establishment of states, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original states, at as early periods as may be consistent with the general interest :

It is hereby ordained and declared, by the authority aforesaid, That the following articles shall be considered as articles of compact between the original states, and the people and states in the said territory, and forever remain unalterable, unless by common consent, to wit :

Article the first. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

Article the second. The inhabitants of the said territory, shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury ; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate ; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or engagements, bona fide, and without fraud previously formed.

Article the third. Religion, morality and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed

observed towards the Indians ; their lands and property shall never be taken from them without their consent ; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorised by Congress ; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

Article the fourth. The said territory, and the states which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein, as shall be constitutionally made ; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory, shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expences of government, to be apportioned on them by Congress, according to the same common rule and measure, by which apportionments thereof shall be made on the other states ; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts or new states, as in the original states, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts or new states, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States ; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, impost, or duty therefor.

Article the fifth. There shall be formed in the said territory, not less than three, nor more than five states; and the boundaries of the states, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The western state in the said territory, shall be bounded by the Mississippi, the Ohio and Wabash rivers; a direct line drawn from the Wabash and Post Vincents due north to the territorial line between the United States and Canada; and by the said territorial line to the lake of the Woods and Mississippi. The middle state shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami, to the said territorial line, and by the said territorial line. The eastern state shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: provided however, and it is further understood and declared, that the boundaries of these three states, shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of lake Michigan. And whenever any of the said states, shall have sixty thousand free inhabitants therein, such state shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original states, in all respects whatever; and shall be at liberty to form a permanent constitution and state government: provided the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the state than sixty thousand.

Article the sixth. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have  
been

been duly convicted : provided always, that any person escaping into the same, from whom labour or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labour or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby repealed and declared null and void.

DONE, &c.

On passing the above ordinance, the yeas and nays being required by Mr. Yates.

Massachusetts,	Mr. Holten	ay	} ay
	Mr. Dane	ay	
New-York,	Mr. Smith	ay	} ay
	Mr. Haring	ay	
	Mr. Yates	no	
New-Jersey,	Mr. Clark	ay	} ay
	Mr. Scheurman	ay	
Delaware,	Mr. Kearny	ay	} ay
	Mr. Mitchell	ay	
Virginia,	Mr. Grayson	ay	} ay
	Mr. R. H. Lee	ay	
	Mr. Carrington	ay	
North-Carolina,	Mr. Blount	ay	} ay
	Mr. Hawkins	ay	
South-Carolina,	Mr. Kean	ay	} ay
	Mr. Huger	ay	
Georgia,	Mr. Few	ay	} ay
	Mr. Pierce	ay	

So it was resolved in the affirmative.

SATURDAY, July 14, 1787.

Congress assembled---Present as before.

On the report of a committee, consisting of Mr. Clarke, Mr. Kean, Mr. Dane, Mr. Few and Mr. Pierce, to whom was referred a motion of Mr. Pierce :

Ordered, That the board of treasury prepare and report

to Congress, a requisition on the states, for the supplies necessary for the current year, including one year's interest of the foreign debt, and such parts of the principal as may become due the ensuing year ; providing for the payment of one year's interest on the domestic debt, in a mode most convenient to the states, and advantageous to the union.

The committee consisting of Mr. Carrington, Mr. King, Mr. Dane, Mr. Madison and Mr. Benson, to whom was referred a memorial of Samuel Holden Parsons, having brought in a report, which was taken into consideration, and the first paragraph of the report being under debate, and which is in the words following, to wit ; " That the board of treasury be authorized and empowered, to contract with Samuel Holden Parsons, esquire, or any other agent or agents duly authorized by the company, styled and known by the name of the associators for the purchase of lands on the north-west side of Ohio river, for a grant of a tract which shall be bounded by the Ohio, from the mouth of Scioto to the intersection of the western boundary of the seventh range of townships now surveying ; thence by the said boundary, to the northern boundary of the — township ; thence by a due west line to Scioto ; thence by the Scioto to the beginning."

A motion was made by Mr. Kean, seconded by Mr. Hawkins, to strike out that paragraph, and in lieu thereof to insert the following :

That the board of treasury be authorized and empowered, to advertise for three months, and at the termination of the said three months, to contract with any person or persons, for a grant of a tract of land, bounded as follows, viz. By the river Ohio, from the mouth of the river Scioto, to the intersection of the western boundary of the seventh range of townships ; thence by the said boundary, to the northern boundary of the tenth townships ; thence by a due west line to the river Scioto ; thence by the said river to the Ohio.

And on the question to agree to this amendment, the yeas and nays being required by Mr. Kean.

Massa-



Massachusetts,	Mr. Holten	no	}	no
	Mr. Dane	no		
New-York,	Mr. Smith	no	}	no
	Mr. Haring	no		
	Mr. Yates	ay		
New-Jersey,	Mr. Clark	ay	}	ay
	Mr. Scheurman	ay		
	Mr. Kearny	no		
Delaware,	Mr. Mitchell	no	}	no
	Mr. Grayson	no		
Virginia,	Mr. R. H. Lee	no	}	no
	Mr. Carington	no		
North-Carolina,	Mr. Blount	ay	}	ay
	Mr. Hawkins	ay		
South-Carolina,	Mr. Kean	ay	}	dā
	Mr. Huger	no		
Georgia,	Mr. Few	ay	}	dā
	Mr. Pierce	no		

So the question was lost.

M O N D A Y, July 16, 1787.

Congress assembled--Present as before.

T U E S D A Y, July 17, 1787.

Congress assembled----Present Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, South-Carolina and Georgia.

Congress resumed the consideration of the report of the committee on the memorial of Samuel Holden Parsons, and the following paragraph being under debate, viz.

The stipulated price to be not less than one dollar per acre, for all the land contained in the tract, excepting the reservation and gifts aforesaid, payable in specie, loan-office certificates reduced to specie value, or certificates of liquidated debts of the United States, liable to reduction, by an allowance for bad land, and all incidental charges and circumstances whatever; provided that  
such

such allowance shall not exceed in the whole, one third of a dollar per acre.

A motion was made by Mr. Dane, seconded by Mr. Lee, to amend by adding the words following, viz.

And in making payment, the principal only of the said certificates shall be admitted; and the board of treasury, for such interest as may be due on the certificates rendered in payment as aforesaid prior to January 1st, 1786, shall issue indents for interest to the possessor, which shall be receivable in payment as other indents for interest of the existing requisitions of Congress: and for such interest as may be due on the said certificates, between that period and the period of payment, the said board shall issue indents, the payment of which to be provided for in future requisitions or otherwise.

A division being called for, on the question to agree to the first part, "And in making," &c. to "requisitions of Congress," inclusive, the yeas and nays being required by Mr. R. H. Lee.

Massachusetts,	Mr. Holten	ay	} ay
	Mr. Dane	ay	
New-York,	Mr. Smith	ay	} ay
	Mr. Haring	ay	
	Mr. Yates	no	} dd
New-Jersey,	Mr. Clark	no	
	Mr. Scheurman	ay	} ay
Pennsylvania,	Mr. St. Clair	ay	
	Mr. Irwine	ay	} ay
Delaware,	Mr. Kearny	ay	
	Mr. Mitchell	ay	} ay
Virginia,	Mr. Grayson	no	
	Mr. Lee	ay	} ay
North-Carolina,	Mr. Carrington	ay	
	Mr. Blount	no	} no
South-Carolina,	Mr. Hawkins	no	
	Mr. Kean	ay	} ay
Georgia,	Mr. Huger	ay	
	Mr. Few	ay	} ay
	Mr. Pierce	ay	

So it was resolved in the affirmative.

The

The second part was agreed to without division.

WEDNESDAY, July 18, 1787.

Congress assembled---Present as yesterday.

On a report of the board of treasury, to whom was referred a letter of the 6th, from the secretary at war, together with an account of Mr. Alexander Droomgoole, for expences charged by him against the United States, for accompanying certain Indians to Philadelphia:

*Resolved*, That Congress approve the measures taken by the secretary at war with respect to the Indian chiefs of the Cherokee, Chataw and Chickesaw tribes, on their late visit to the seat of Congress, and that the expences attending the same be allowed.

*Resolved*, That all communications to the United States in Congress, from the Indian tribes, ought to be made through the superintendants of Indian affairs.

*Resolved*, That if any trader or other person, shall, without the authority of the said superintendants, undertake to conduct any Indian or Indians to the seat of Congress, he shall be responsible for all expences which may attend the same: and further, that where the person so acting as a conductor, shall be a trader, his license to trade with the said Indians shall become forfeited, and the same shall at no time thereafter be renewed.

*Resolved*, That the superintendants of Indian affairs, be instructed to make public the foregoing resolutions, and to govern themselves accordingly.

On a report from the secretary for foreign affairs, to whom was referred a treaty lately concluded with the Emperor of Morocco, Congress ratified the said treaty in the manner and form following.

The UNITED STATES of AMERICA, in CONGRESS assembled.

To all who shall see these presents, greeting.

W H E R E A S the United States of America in Congress assembled, by their commission, bearing date the  
twelfth

twelfth day of May, one thousand seven hundred and eighty-four, thought proper to constitute John Adams, Benjamin Franklin, and Thomas Jefferson, their ministers plenipotentiary, giving to them, or a majority of them, full powers to confer, treat and negotiate with the ambassador, minister or commissioner of his majesty the emperor of Morocco, concerning a treaty of amity and commerce, to make and receive propositions for such treaty, and to conclude and sign the same, transmitting it to the United States in Congress assembled, for their final ratification.

And by one other commission, bearing date the eleventh day of March, one thousand seven hundred and eighty-five did farther empower the said ministers plenipotentiary, or a majority of them, by writing under their hands and seals, to appoint such agent in the said business as they might think proper, with authority under the directions and instructions of the said ministers, to commence and prosecute the said negotiations and conferences for the said treaty; provided that the said treaty should be signed by the said ministers: And whereas the said John Adams and Thomas Jefferson, two of the said ministers plenipotentiary, (the said Benjamin Franklin being absent) by writing, under the hand and seal of the said John Adams, at London, October the fifth, one thousand seven hundred and eighty-five, and of the said Thomas Jefferson, at Paris, October the eleventh, of the same year, did appoint Thomas Barclay, agent in the business aforesaid, giving him the powers therein, which by the said second commission they were authorised to give; and the said Thomas Barclay in pursuance thereof, hath arranged articles for a treaty of amity and commerce between the United States of America, and his majesty the Emperor of Morocco; which articles, written in the Arabic language, confirmed by his said majesty the Emperor of Morocco, and sealed with his royal seal, being translated into the language of the said United States of America, together with the attestations thereto annexed, are in the following words to wit.

*In*

In the Name of Almighty God.

THIS is a treaty of peace and friendship established between us and the United States of America, which is confirmed, and which we have ordered to be written in this book, and sealed with our royal seal, at our court of Morocco, on the twenty-fifth day of the blessed month of Shaban, in the year one thousand two hundred, trusting in God it will remain permanent.

I. We declare, that both parties have agreed, that this treaty, consisting of twenty-five articles, shall be inserted in this book, and delivered to the honorable Thomas Barclay, the agent of the United States now at our court, with whose approbation it has been made, and who is duly authorized on their part, to treat with us concerning all the matters contained therein.

II. If either of the parties shall be at war with any nation whatever, the other party shall not take a commission from the enemy, nor fight under their colours.

III. If either of the parties shall be at war with any nation whatever, and take a prize belonging to that nation, and there shall be found on board, subjects or effects belonging to either of the parties, the subjects shall be set at liberty, and the effects returned to the owners. And if any goods belonging to any nation, with whom either of the parties shall be at war, shall be loaded on vessels belonging to the other party, they shall pass free and unmolested, without any attempt being made to take or detain them.

IV. A signal or pass shall be given to all vessels belonging to both parties, by which they are to be known when they meet at sea; and if the commander of a ship of war of either party shall have other ships under his convoy, the declaration of the commander shall alone be sufficient to exempt any of them from examination.

V. If either of the parties shall be at war, and shall meet a vessel at sea belonging to the other, it is agreed that if an examination is to be made, it shall be done by sending a boat with two or three men only; and if any

END

gun shall be fired and injury done without reason, the offending party shall make good all damages.

VI. If any Moor shall bring citizens of the United States, or their effects, to his majesty, the citizens shall immediately be set at liberty, and the effects restored; and in like manner, if any Moor, not a subject of these dominions, shall make prize of any of the citizens of America, or their effects, and bring them into any of the ports of his majesty, they shall be immediately released, as they will then be considered as under his majesty's protection.

VII. If any vessel of either party, shall put into a port of the other, and have occasion for provisions or other supplies, they shall be furnished without any interruption or molestation.

VIII. If any vessel of the United States, shall meet with a disaster at sea, and put into one of our ports to repair, she shall be at liberty to land, and reload her cargo, without paying any duty whatever.

IX. If any vessel of the United States, shall be cast on shore on any part of our coasts, she shall remain at the disposition of the owners, and no one shall attempt going near her, without their approbation, as she is then considered particularly under our protection: and if any vessel of the United States, shall be forced to put into our ports, by stress of weather, or otherwise, she shall not be compelled to land her cargo, but shall remain in tranquillity; until the commander shall think proper to proceed on his voyage.

X. If any vessel, of either of the parties, shall have an engagement with a vessel belonging to any of the Christian powers, within gun shot of the forts of the other, the vessel so engaged, shall be defended and protected as much as possible, until she is in safety: and if any American vessel shall be cast on shore, on the coast of Wadnoon, or any coast thereabout, the people belonging to her, shall be protected and assisted, until, by the help of God, they shall be sent to their country.

XI. If we shall be at war with any Christian power, and any of our vessels sail from the ports of the United States,

States, no vessel belonging to the enemy, shall follow until twenty-four hours after the departure of our vessels : And the same regulation shall be observed towards the American vessels sailing from our ports, be their enemies Moors or Christians.

XII. If any ship of war belonging to the United States, shall put into any of our ports, she shall not be examined on any pretence whatever, even though she should have fugitive slaves on board ; nor shall the governor or commander of the place, compel them to be brought on shore on any pretext, nor require any payment for them.

XIII. If a ship of war of either party, shall put into a port of the other and salute, it shall be returned from the fort with an equal number of guns, not with more or less.

XIV. The commerce with the United States, shall be on the same footing as is the commerce with Spain, or as that with the most favored nation for the time being : and their citizens shall be respected and esteemed, and have full liberty to pass and repass our country and seaports whenever they please, without interruption.

XV. Merchants of both countries shall employ only such interpreters, and such other persons to assist them in their business, as they shall think proper. No commander of a vessel shall transport his cargo on board another vessel ; he shall not be detained in port longer than he may think proper ; and all persons employed in loading or unloading goods, or in any other labour whatever, shall be paid at the customary rates, not more and not less.

XVI. In case of a war between the parties, the prisoners are not to be made slaves, but to be exchanged one for another, captain for captain, officer for officer, and one private man for another : and if there shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican dollars, for each person wanting. And it is agreed that all prisoners shall be exchanged in twelve months from the time of their being taken, and that this exchange may be effected by a merchant, or any other person authorized by either of the parties.

XVII

XVII. Merchants shall not be compelled to buy or sell any kind of goods but such as they shall think proper; and may buy and sell all sorts of merchandize but such as are prohibited to the other Christian nations.

XVIII. All goods shall be weighed and examined before they are sent on board, and to avoid all detention of vessels, no examination shall afterwards be made, unless it shall first be proved, that contraband goods have been sent on board, in which case the persons who took the contraband goods on board shall be punished according to the usage and custom of the country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever.

XIX. No vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any article without the consent of the commander, who shall be at full liberty to agree for the freight of any goods he takes on board.

XX. If any of the citizens of the United States, or any persons under their protection, shall have any disputes with each other, the Consul shall decide between the parties, and whenever the Consul shall require any aid, or assistance from our government to enforce his decisions, it shall be immediately granted to him.

XXI. If a citizen of the United States should kill or wound a Moor, or on the contrary, if a Moor shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial, and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

XXII. If an American citizen shall die in our country, and no will shall appear; the Consul shall take possession of his effects, and if there shall be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, but if the heir to the person deceased be present, the property shall be delivered to him without interruption; and if a will shall appear, the property shall descend



descend agreeable to that will, as soon as the Consul shall declare the validity thereof.

XXIII. The Consuls of the United States of America, shall reside in any sea-port of our dominions that they shall think proper; and they shall be respected, and enjoy all the privileges which the consuls of any other nation enjoy, and if any of the citizens of the United States shall contract any debts or engagements, the Consul shall not be in any manner accountable for them, unless he shall have given a promise in writing for the payment or satisfying thereof, without which promise in writing, no application to him for any redress shall be made.

XXIV. If any differences shall arise by either party infringing on any of the articles of this Treaty, peace and harmony shall remain notwithstanding in the fullest force, until a friendly application shall be made for an arrangement, and until that application shall be rejected, no appeal shall be made to arms. And if a war shall break out between the parties, nine months shall be granted to all the subjects of both parties, to dispose of their effects and retire with their property. And it is further declared, that whatever indulgence in trade or otherwise, shall be granted to any of the Christian powers, the citizens of the United States shall be equally entitled to them.

XXV. This Treaty shall continue in full force, with the help of God, for Fifty Years.

We have delivered this book into the hands of the before-mentioned Thomas Barclay, on the first day of the blessed month of Ramadan, in the Year One Thousand Two Hundred.

I CERTIFY that the annexed is a true copy of the translation made by Isaac Cordoza Nunez, Interpreter at Morocco, of the Treaty between the Emperor of Morocco and the United States of America.

(Signed) THOMAS BARCLAY.

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## ADDITIONAL ARTICLE.

## GRACE TO THE ONLY GOD.

I THE Under-written, the servant of God, Taher Ben Abdelkack Fennish, Do Certify, that his Imperial Majesty, my master (whom God preserve) having concluded a Treaty of Peace and Commerce with the United States of America, has ordered me, the better to compleat it, and in addition to the Tenth Article of the Treaty, to declare, "That, if any vessel belonging to the United States shall be in any of the ports of his Majesty's dominions, or within gun-shot of his forts, she shall be protected as much as possible, and no vessel whatever, belonging either to Moorish or Christian powers, with whom the United States may be at war, shall be permitted to follow or engage her, as we now deem the citizens of America our good friends."

And, in obedience to his Majesty's commands, I certify this declaration, by putting my hand and seal to it, on the 18th day of Ramadan, in the year One Thousand Two Hundred.

(Signed)

The Servant of the King my Master, whom God preserve,

TAHER BEN ABDELKACK FENNISH.

I DO Certify that the above is a true copy of the translation made at Morocco by Isaac Cordoza Nunez, Interpreter, of a declaration made and signed by Sidi Hage Taher Fennish, in addition to the Treaty between the Emperor of Morocco and the United States of America, which declaration, the said Taher Fennish made by the express directions of his Majesty.

(Signed)

THOMAS BARCLAY.

And whereas the said John Adams and Thomas Jefferson, ministers plenipotentiary aforesaid, by writing under their respective hands and seals, duly made and executed by the said John Adams, on the 25th January 1787, and by the

the said Thomas Jefferson, on the 1st day of January 1787, did approve and conclude the said Treaty, and every article and clause therein contained, reserving the same nevertheless to the United States in Congress assembled for their final ratification.

NOW BE IT KNOWN, that we the said United States of America in Congress assembled, have accepted, approved, ratified, and confirmed, and by these presents do accept, approve, ratify and confirm the said Treaty, and every article and clause thereof.

IN TESTIMONY WHEREOF, We have caused our Seal to be hereunto affixed; *witness*, his Excellency ARTHUR ST. CLAIR, our President, at the City of New-York, this Eighteenth day of July, in the Year of our Lord, One Thousand Seven Hundred and Eighty-Seven, and in the Twelfth Year of our Sovereignty and Independence.

T H U R S D A Y, *July 19, 1787.*

Congress assembled---Present as before.

The committee consisting of Mr. Dana, Mr. Hawkins, Mr. Smith, Mr. Kean, and Mr. Carrington, to whom was referred a report of the secretary at war relative to incursions and depredations on the frontiers of Virginia by the Wabash Indians, the Shawanese, and other hostile tribes, having reported,

That the Superintendent of Indian affairs for the northern department, and in case he be unable to attend, then col. Josiah Harmer, immediately proceed to post St. Vincents, or some other place more convenient in his opinion for holding a treaty with those Indians, inform that congress is sincerely disposed to promote peace, and friendship between their citizens and the Indians, and has determined to pursue effectual measures for punishing with strict justice and impartiality the aggressors on either side.

A motion was made by Mr. Smith, seconded by Mr. Yates,

Yates, to strike out the words "has determined to pursue effectual measures for punishing with strict justice and impartiality the aggressors on either side," and on the question shall those words stand, the yeas and nays being required by Mr. Grayson.

Massachusetts,	Mr. Holten	ay	} ay
	Mr. Dane	ay	
New-York,	Mr. Smith	no	} no
	Mr. Haring	no	
	Mr. Yates	no	
New-Jersey,	Mr. Clark	ay	} ay
	Mr. Scheurman	ay	
Pennsylvania,	Mr. St. Clair	no	} no
	Mr. Irwine	no	
	Mr. Bingham,	no	
Delaware,	Mr. Kearny	ay	} ay
	Mr. Mitchell	ay	
Virginia,	Mr. Grayson	ay	} ay
	Mr. Lee	no	
	Mr. Carrington	ay	
North-Carolina,	Mr. Blount	no	} no
	Mr. Hawkins	no	
South-Carolina,	Mr. Kean	no	} did
	Mr. Huger	ay	
Georgia,	Mr. Few	ay	} ay
	Mr. Pierce	ay	

So the question was lost and the words were struck out.

The report being further amended to read as follows :

"That the superintendant of Indian affairs for the northern department, and in case he be unable to attend, then col. Josiah Harmer, immediately proceed to post St. Vincents, or some other place more convenient in his opinion, for holding a treaty with those Indians, inform; that congress is sincerely disposed to promote peace and friendship between their citizens and the Indians, and that to this end he is sent to invite them in a friendly manner to a treaty with the united states, to hear their complaints, to know the truth, and the cause of their quarrels with those frontier settlers; and having invited those Indians

to the treaty, he shall make strict enquiry into the causes of their uneasiness and hostile proceedings, and form a treaty of peace with them, if it can be done on terms consistent with the honor and dignity of the United States.

That the secretary at war place the troops of the United States in such positions, as shall afford the most effectual protection to the frontier inhabitants of Pennsylvania and Virginia, from the incursions and depredations of the Indians, for preventing intrusions on the federal lands, and promoting a favorable issue to the intended treaty.

That the executive of Virginia, be requested to give orders to the militia in the district of Kentucky, to hold themselves in readiness to unite with the federal troops in such operations as the officer commanding them may judge necessary for the protection of the frontiers : and that on the application of the commanding officer of the federal troops, the said executive be requested to give orders, that a part of the said militia, not exceeding one thousand, be embodied, and take such positions as the said officer shall direct, for acting in conjunction with the federal troops, in protecting and defending the frontier inhabitants, and in making such expeditions against the Indians, in case they continue hostile, as Congress shall order and direct. And in case the militia shall be called into the actual service of the United States, for the defence of the said frontier inhabitants, or the purposes of such expedition, their pay and rations while so employed, shall be the same as the pay and rations of the regular troops, and the expences thereof shall be borne by the union---That the state of Virginia shall pay and support their militia, and be allowed therefor in the requisition of the current year; provided the price of the ration shall not exceed the allowance made for the ration to the federal troops; and provided that no charges for the said service shall be valid, unless supported by actual musters of the said militia, made by the inspector, or by a field officer of the troops of the United States, agreeable to the orders of the commander officer.

And to prevent wanton attacks upon the Indians by lawless men, which so essentially tend to destroy all peace  
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and friendship with the Indian nations, and to expose to their merciless revenge, not only the few guilty, but all the innocent and industrious inhabitants of the frontiers, that no person shall be allowed to pass within the jurisdiction and territory of the United States north-west of the river Ohio, without a permit from the said superintendant, the commander of the troops, the geographer of the United States, or the commanding officer of a separate post; and any person unlawfully passing in the same without such permit, or who shall therein murder any Indian, or injure him in his person or property, shall be arrested by the officers commanding the troops and tried and punished in all cases, prior to the establishment of civil law in the said territory for the prevention of offences, by law martial, in the same manner as the regular soldiers are tried and punished for the like offences.

A motion was made by Mr. Irwine, seconded by Mr. Yates, that the further consideration of the report be postponed; and on the question to postpone, the yeas and nays being required by Mr. Irwine,

Massachusetts,	Mr. Holten	no	}	no
	Mr. Dane	no		
New-York,	Mr. Smith	no	}	ay
	Mr. Haring	ay		
	Mr. Yates	ay		
	Mr. Clark	no		
New-Jersey,	Mr. Scheurman	no	}	no
Pennsylvania,	Mr. St. Clair	ay		
	Mr. Irwine	ay	}	ay
	Mr. Bingham,	no		
Delaware,	Mr. Kearny	no	}	no
	Mr. Mitchell	no		
Virginia,	Mr. Grayson	no	}	no
North-Carolina,	Mr. Carrington	no		
	Mr. Blount	no	}	no
South-Carolina,	Mr. Hawkins	no		
	Mr. Kean	no	}	no
	Mr. Huger	no		

Georgia,

Georgia,	Mr. Few	no	} no
	Mr. Pierce	no	

So it passed in the negative.

A motion was then made by Mr. Dane, seconded by Mr. Holten, to amend the report further by striking out the sentence "and in case the militia shall be called into actual service, &c." "to federal troops inclusive," and in lieu thereof inserting

And the militia which shall be called into the actual service of the United States for the defence of the said frontier inhabitants, or the purposes of such expeditions, shall be paid, supported and equipped by the State, and the State shall be credited in the requisition of the current year, the amount of their pay and rations only, computed on the federal establishment; and on the question to agree to this amendment the yeas and nays being required by Mr. Dane,

Maffachusetts	Mr. Holten	ay	} ay
	Mr. Dane	ay	
New-York	Mr. Smith	ay	} ay
	Mr. Yates	ay	
New-Jersey	Mr. Clarke	ay	} ay
	Mr. Scheurman	ay	
Pennsylvania	Mr. St. Clair	ay	} ay
	Mr. Lawrence	ay	
	Mr. Bingham	ay	
Delaware	Mr. Keane	ay	} ay
	Mr. Mitchell	ay	
Virginia	Mr. Grayson	no	} dd
	Mr. Carrington	ay	
North-Carolina	Mr. Blount	no	} dd
	Mr. Hawkins	ay	
South-Carolina	Mr. Keen	ay	} ay
	Mr. Huger	ay	
Georgia	Mr. Few	no	} dd
	Mr. Pierce	ay	

So the question was lost.

F R I D A Y, July 20, 1787.

Congress assembled---Present as before.

Car-

Congress resumed the consideration of the report under debate yesterday, and a motion was again made by Mr. Dane, which was seconded by Mr. Carrington, to amend it by striking the words "and in case the militia shall be called, &c." to federal troops inclusive, and inserting the words proposed yesterday; and on the question to agree to this amendment, the yeas and nays and nays being required by Mr. Grayson,

Massachusetts,	Mr. Holten	ay	} ay
	Mr. Dane	ay	
New-York,	Mr. Smith	ay	} ay
	Mr. Haring	ay	
	Mr. Yates	ay	
New-Jersey,	Mr. Clark	ay	} ay
	Mr. Scheurman	ay	
Pennsylvania,	Mr. St. Clair	ay	} ay
	Mr. Irwine	ay	
Delaware,	Mr. Kearny	ay	} ay
	Mr. Mitchell	ay	
	Mr. Grayson	no	
Virginia,	Mr. Lee	ay	} ay
	Mr. Carrington	ay	
	Mr. Blount	ay	
	Mr. Hawkins	ay	
North-Carolina,	Mr. Kean	ay	} ay
	Mr. Huger	ay	
South-Carolina,	Mr. Few	ay	} ay
	Mr. Pierce	ay	

So it was resolved in the affirmative.

Other amendments being made in the report,

On motion of Mr. Irwine, seconded by Mr. Smith,

*Ordered*, That the further consideration of the report be postponed till to-morrow.

Congress then resumed the consideration of the report on the memorial of Samuel Holden Parsons, and a motion was made by Mr. Pierce, seconded by Mr. Holten, to amend the said report by adding the following clause: "The purchaser or purchasers to be at liberty for the term of two years from the closing of this contract, to extend



tend their purchase upon the same terms within a line to be extended due north from the conflux of the branches of the Sciota at a place called Townlick, and the continuation of the west boundary of the seventh range of townships, as far as the east and west line of the northern boundary of the said range of townships; provided that there shall never be left any interstice, and that the northern boundary shall always be a due east and west line”

And on the question to agree to this amendment, the yeas and nays being required by Mr. Pierce,

Massachusetts,	Mr. H. Allen	ay	} ay
	Mr. Dane	ay	
New-York,	Mr. Smith	no	} no
	Mr. Haring	no	
	Mr. Yates	no	
	Mr. Clark	no	
New-Jersey,	Mr. Schuurman	no	} no
	Mr. St. Clair	no	
Pennsylvania	Mr. Irvine	no	} no
	Mr. Kearny	no	
Delaware,	Mr. Mitchell	ay	} dd
	Mr. Grayson	ay	
Virginia,	Mr. R. H. Lee	ay	} ay
	Mr. Carrington	ay	
	Mr. Blount	ay	
North-Carolina,	Mr. Hawkins	ay	} ay
	Mr. Kean	no	
South-Carolina,	Mr. Huger	ay	} dd
	Mr. Few	no	
Georgia,	Mr. Pierce	ay	} dd

So the question was lost.

S A T U R D A Y, July 21, 1787.

Congress assembled---Present as before.

Congress resumed the consideration of the report of the committee on the report of the secretary at war, relative to incursions and depredations on the frontiers of Virginia  
by

by the Wabash Indians, the Shawanese and other hostile tribes, and thereupon

*Resolved*, That the Superintendent of Indian affairs for the northern department, and in case he be unable to attend, then Col. Josiah Harmer immediately proceed to post St. Vincents, or some other place more convenient, in his opinion, for holding a treaty with the Wabash Indians, the Shawanese and other hostile tribes; that he inform these Indians that Congress is sincerely disposed to promote peace and friendship between their citizens and the Indians; that to this end he is sent to invite them in a friendly manner to a treaty with the United States, to hear their complaints, to know the truth and the causes of their quarrels with those frontier settlers, and having invited these Indians to the treaty, he shall make strict enquiry into the causes of their uneasiness and hostile proceedings, and form a treaty of peace with them, if it can be done on terms consistent with the honor and dignity of the United States.

*Resolved*, That the Superintendent of Indian affairs for the northern department, inform the five nations, the Hurons, and other Indian nations who joined in the representation made to Congress, dated 18th day of December, 1786, that Congress on the 18th of the present month, July, 1787, received their said representation, and have taken it into their serious consideration, and in due time will send them an answer.

*Resolved*, That the secretary at war place the troops of the United States in such positions as shall afford the most effectual protection to the frontier inhabitants of Pennsylvania and Virginia, from the incursions and depredations of the Indians, for preventing intrusions on the federal lands, and promoting a favorable issue to the intended treaty; to this end one company and a half shall remain at Venango, Fort Pitt, and Fort M'Intosh, one be posted on the Muskingum, one on the Miami, three at Post St. Vincent's and the remaining troops at the rapids of the Ohio; subject, however, to such changes and alterations as the commanding officer shall judge the good of the service may require.

*Resolved*,

*Resolved*, That the executive of Virginia be requested to give orders to the militia in the district of Kentucky to hold themselves in readiness to unite with the federal troops in such operations as the officer commanding them may judge necessary for the protection of the frontiers; and that on the application of the commanding officer of the federal troops, the said executive be requested to give orders that a part of the said militia, not exceeding one thousand, be embodied, and take such positions as the said commanding officer shall direct for acting in conjunction with the federal troops, in protecting and defending the frontier inhabitants, and in making such expeditions against the Indians, in case they continue hostile, as Congress shall hereafter order and direct; and the militia which shall be called into the actual service of the United States for the defence of the said frontier inhabitants, or the purposes of such expeditions, shall be paid, supported and equipped by the state, and the state shall be credited in the requisition of the current year the amount of their pay and rations only, computed on the federal establishment for similar service; provided that no charges for the said service shall be valid unless supported by actual musters of the said militia, made by the inspector, or by a field officer of the troops of the United States, agreeable to the orders of the commanding officer.

*Resolved*, That the board of treasury take order for providing for the subsistence of the Indians during the treaty, and for defraying the incidental expenses attending it; provided the said incidental expenses shall not exceed one thousand dollars.

On the question to agree to the foregoing resolutions, as one entire act, the yeas and nays being required by Mr. Yates.

Massachusetts	Mr. Hoiten	ay	} ay
	Mr. Dane	ay	
New-York	Mr. Smith	ay	} ay
	Mr. Parling	ay	
	Mr. Yates	no	
New Jersey	Mr. Clarke	ay	} ay
	Mr. Scheurman	ay	
		Penne	

Pennsylvania	Mr. St. Clair	no	} ay
	Mr. Irwine	ay	
	Mr. Bingham	ay	
Delaware	Mr. Kearney	ay	} ay
	Mr. Mitchell	ay	
Virginia	Mr. Grayson	ay	} ay
	Mr. R. H. Lee	ay	
	Mr. Carrington	ay	
North Carolina	Mr. Blount	ay	} ay
	Mr. Hawkins	ay	
South Carolina	Mr. Kean	ay	} ay
	Mr. Huger	ay	
Georgia	Mr. Few	ay	} ay
	Mr. Pierce	ay	

So it was resolved in the affirmative.

M O N D A Y, July 23, 1787.

Congress assembled---Present, Massachusetts, New-York, Pennsylvania, Delaware, Virginia, North-Carolina, South-Carolina and Georgia.

On motion of Mr. Dane, seconded by Mr. Holten,

*Resolved*, That all persons having unliquidated claims against the United States, pertaining to the late commissary's, quartermaster's, hospital, cloathier's, or marine department, shall exhibit particular abstracts of such claims to the proper commissioner appointed to settle the accounts of those departments, within eight months from the date hereof; and all persons having other unliquidated claims against the United States, shall exhibit a particular abstract thereof to the comptroller of the treasury of the United States, within one year from the date hereof: and all accounts not exhibited as aforesaid, shall be precluded from settlement or allowance.

On a report of the secretary for foreign affairs,

*Resolved*, That Congress are well pleased with the conduct of Thomas Barclay, esquire, in the course of the negociations on the part of the United States with his imperial majesty of Morocco, as detailed and represented in his and other letters and papers transmitted to them.

T U E S-

T U E S D A Y, *July 24, 1787.*

Congress assembled----Present, Massachusetts, New-York, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia; and from South-Carolina Mr. Kean.

On motion of Mr. Pierce, seconded by Mr. Smith,

*Ordered*, That Thursday next be assigned for appointing an officer to superintend the coinage of copper, pursuant to the act of the 21st of April last.

W E D N E S D A Y, *July 25, 1787.*

Congress assembled----Present, Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia; and from South-Carolina Mr. Kean.

Congress resumed the consideration of a report from the secretary at war, to whom had been referred certain papers transmitted by the Superintendent of Indian affairs for the northern department, and the following paragraph being under debate, viz. "That a general treaty be held with the tribes of Indians within the limits of the United States, inhabiting the country northward of the Ohio and about lake Erie, agreeably to the united requests of the chiefs of the said tribes, dated the 18th day of December, 1786;" A motion was made by Mr. Carrington, seconded by Mr. Grayson, to amend the paragraph by striking out what follows the words, "tribes of Indians," and instead thereof inserting "northward and eastward of Ohio, for the purposes of obtaining further cessions of their claims to lands, and establishing permanent principles of amity and commerce between the United States and the said Indians;" a motion was made by Mr. Dane, seconded by Mr. Few, to amend the amendment proposed, by striking out the words "obtaining further cessions of their claims to land and," And on the question shall those words stand, the yeas and nays being required by Mr. Grayson,

Massachusetts	Mr. Holten	no	} no
	Mr. Dane	no	
			New

New-York	Mr. Smith	no	}	no
	Mr. Haring	no		
	Mr. Yates	no		
New-Jersey	Mr. Clarke	ay	}	no
Pennsylvania	Mr. St. Clair	no		
	Mr. Irvine	ay		
Delaware	Mr. Bingham	no	}	dd
	Mr. Kearney	ay		
	Mr. Mitchell	no		
Virginia	Mr. Grayson	ay	}	ay
	Mr. R. H. Lee	ay		
	Mr. Carrington	ay		
North-Carolina	Mr. Blount	ay	}	ay
	Mr. Hawkins	ay		
South-Carolina	Mr. Kean	no	}	no
Georgia	Mr. Few	no		
	Mr. Pierce	no		

So the question was lost, and the words were struck out.

#### T H U R S D A Y, July 26, 1787.

Congress assembled---Present, Massachusetts, New-York, New Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, and Georgia, and from Rhode-Island, Mr. Varnum, and from South-Carolina, Mr. Kean.

On the report of a committee consisting of Mr. Dane, Mr. Hawkins, and Mr. Pierce, to whom was referred a letter from the postmaster general,

*Resolved*, That the postmaster general be, and he is hereby authorized and instructed, to enter into contracts, with sufficient security, for the conveyance of the mails for one year, commencing on the first day of January next, from Portland in Massachusetts, to Savannah in Georgia, by stage carriages, if practicable, and that the same be done by four or more separate contracts; and in case of only four contracts, the first to extend from Portland to New-York; the second from New-York to Philadelphia; the third from Philadelphia to Suffolk in Virginia; and the fourth from Suffolk to Savannah, by such route as the postmaster general may find most convenient.

*Resolved*,

*Resolved*, That so far as respects the contract from Suffolk to Savannah, the postmaster general may agree that the mail shall be carried twice a week from the first of May to the first of November, and once a week from the first of November to the first of May.

F R I D A Y, *July 27, 1787.*

Congress assembled---Present as yesterday.

Congress resumed the consideration of the report of the committee on the letter from the postmaster general, and thereupon

*Resolved*, That the postmaster general be, and he is hereby authorised and instructed to make arrangements for the transportation of the mail for one year, from the first day of January next, on the cross roads mentioned in the resolve of Congress passed the 4th September, 1786, and also for the establishment of a cross post from Fredericksburgh in Virginia, to Hobb's Hole on Rappahanock river; and from thence to the port of entry on Yeocomico upon Potomac river, and from thence to Urbanna, the port of entry on Rappahanock river, on the principles provided in the resolution of the 15th February, 1787.

S A T U R D A Y, *July 28, 1787.*

Congress assembled--Present Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina and Georgia; and from Rhode Island, Mr. Varnum, and from South-Carolina, Mr. Huger.

M O N D A Y, *July 30, 1787.*

Congress assembled--Present as on Saturday.

T U E S D A Y, *July 31, 1787.*

Congress assembled--Present Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, South-Carolina and Georgia; and from Rhode-Island Mr. Varnum. Qc.

On a report of the board of treasury to whom was referred a memorial of Donald Campbell, with directions to report fully on his accounts, and to settle what is equitably due to him.

*Resolved*, That there be allowed to Donald Campbell, late a deputy quarter-master general in the service of the United States, the sum of four thousand two hundred and sixty dollars, being the amount of the pay due to him at the rate of forty dollars per month, from the 17th of July, 1775, to the 2d of June, 1784, being the period when the whole army of the United States was disbanded; as also the farther sum of four hundred and forty dollars 49-90ths, on account of arrearages of rations of provisions and forage due to him from the 1st January, 1776, to the 13th February, 1777, at which period he ceased to be in actual service.

*Resolved*, That the above sums bear interest at the expiration of each year, as they respectively became due; and the same be in full of all claims of the said Donald Campbell against the United States.

*Resolved*, That the memorial of Donald Campbell, praying that his accounts as deputy quarter-master general (which were finally adjusted on the 24th November, 1781) might be revised, and that the principal and interest of the certificate by him received for the balance, should be discharged, cannot be complied with.

On a report of the secretary at war,

*Resolved*, That the secretary at war transmit to lieutenant colonel commandant Harmer, a brevet commission of brigadier-general, and that he be allowed the emoluments, but not the pay of the said rank; the allowance to commence with and continue during his command on the frontiers.

W E D N E S D A Y, *August 1, 1787.*

Congress assembled---Present as yesterday.

On a report of the board of treasury, to whom was referred a memorial of Samuel Nicholson, late a captain in the navy of the United States,

*Resolved,*



*Resolved*, That the commissioner of marine accounts, in settling the accounts of the officers, seamen and marines of the late navy of the United States, govern himself by the principles established for the line of the army by the act of Congress of the 10th of April, 1780, so far as the same relates to the allowance for depreciation; provided that no officer, seaman or marine be entitled to the benefit of this resolve, who was not in service, or liable to be called into service on the 10th April, 1780.

THURSDAY, *August 2, 1787.*

Congress assembled----Present Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, and South-Carolina, and from Rhode-Island, Mr. Varnum, and from Georgia, Mr. Few.

Mr. Pierce Butler, a delegate for South-Carolina, attended and produced credentials, whereby it appears, that on the 6th March last, he was appointed a delegate to represent the said state in Congress until the first Monday in November next.

The committee consisting of Mr. Varnum, Mr. Clarke, and Mr. Dane, to whom was referred a letter of 24th January, 1787, from the governor of Virginia, with the papers inclosed, having reported, "That the request of Virginia to be credited the expences of a late expedition against the Indians on both sides of the Ohio, as stated in governor Randolph's letter of the 24th January last, cannot be complied with, the said expedition not having been authorized by, or conducted under the knowledge or direction of the United States."

A motion was made by Mr. Grayson, seconded by Mr. Carrington, to strike out the word "cannot," and the words "the said expedition, &c." to the end: And on the question shall the words moved to be struck out stand? the yeas and nays being required by Mr. Grayson.

Massachusetts	Mr. Holten	ay	} ay
	Mr. Dane	ay	
Rhode-Island	Mr. Varnum	ay	} *
		New-	

New-York	Mr. Haring	ay	} ay
	Mr. Yates	ay	
New Jerfey	Mr. Clarke	ay	} ay
	Mr. Scheurman	ay	
Pennfylvania	Mr. St. Clair	ay	} ay
	Mr. Irwine	ay	
Delaware	Mr. Kearney	ay	} ay
	Mr. Mitchell	ay	
Virginia	Mr. Grayfon	no	} no
	Mr. R. H. Lee	ay	
	Mr. Carrington	no	
South Carolina	Mr. Kean	ay	} ay
	Mr. Huger	ay	
	Mr. Butler, excufed.		
Georgia	Mr. Few	no	*)

So the queftion was loft, and the words were ftruck out.

F R I D A Y, *Auguft 3, 1787.*

Congrefs affembled--Prefent Maffachufetts, New-York, Pennfylvania, Delaware, Virginia, North-Carolina, & South Carolina; and from Rhode-Ifland, Mr. Varnum, from New-Jerfey, Mr. Clarke, and from Georgia, Mr. Few.

A motion was made by Mr. Few, feconded by Mr. Blount, in the following words :

Whereas it appears by information received from the fuperintendant of Indian affairs for the fouthern department, that fome mifunderftanding prevails among the Creek Indians, which it is neceffary fhould be investigated in order that juftice may be done, and fuch meafures taken as will eftablifh peace and friendship with the faid Indians : *Refolved*, That the fuperintendant of Indian affairs for the fouthern department be directed, to invite the kings and headmen of the Creek nation to a conference, to be held at        on the        day of        or at fuch other time and place as he, in conjunction with the executive of the ftate of Georgia may think expedient ; that the legiflature of the ftate of Georgia, or in its recess, the executive of the faid ftate be requested to appoint a commissioner to act with

with the superintendant, who are hereby authorized and instructed to inform the Creek Indians, that Congress wish to hear and redress all their grievances, and to establish such principles as will best secure the tranquility, peace and friendship of that nation — That the said superintendant and commissioner be directed to enquire fully into the causes of all complaints and differences that may have arisen with the said Indians, to explain and confirm all former treaties, and fix the line circumscribing the Indians hunting ground, and to use all the means in their power to satisfy and do them ample justice, and report to Congress in all cases where it may so happen that their powers will not extend, to fully effect those purposes — That the state of Georgia be requested to furnish suitable goods to the amount of                      and the late commissioners for treating with the Indians of the southern department be directed to deliver to the superintendant, all the merchandise in their hands belonging to the United States, to be distributed among the said Indians, in such manner as may be thought most expedient, by the said superintendant and commissioner.

A motion was then made by Mr. Dane, seconded by Mr. Lee, to postpone that motion in order to take up the report of a committee on the subject of Indian affairs in the southern department, viz.

The committee consisting of Mr. Kearney, Mr. Carrington, Mr. Bingham, Mr. Smith, and Mr. Dane, to whom was referred the report of the secretary at war, and sundry papers relative to Indian affairs in the southern department; and also a motion of the delegates from the state of Georgia, report, That the said papers referred to them state, first, that certain encroachments are made on the lands of the Creek and Cherokee nations, by the people of Georgia and North-Carolina. *Secondly*, That there is no regular trade between our citizens and the Indian nations in that department, by which those nations can obtain a certain supply of goods, arms, &c. that these nations wish to have connections with the United States only; that their necessities, however, are such, that if they cannot  
be

be regularly supplied by our traders, they must listen to the repeated invitations made them to turn their trade to; and to seek supplies from another quarter. That the said motion, among other things, states, that there is reason to apprehend the Creek Indians are meditating a serious blow against the inhabitants of Georgia; and proposes, that it be recommended to that state to use every possible means to preserve peace between her citizens and those Indians; and that Congress resolve, they are bound to draw forth a sufficient number of the forces of the Union to punish any nation or tribe of Indians that shall attempt to make war on either of the United States, by attacking or killing any of their citizens. On these subjects the committee observe, that the encroachments complained of appear to demand the serious attention of Congress, as well because they may be unjustifiable, as on account of their tendency to produce all the evils of a general Indian war on the frontiers. The committee are convinced that a strict enquiry into the causes and circumstances of the hostilities often committed in and near the frontier settlements, ought to be made; that it is become necessary for government to be explicit and decisive; and to see that impartial justice is done between the parties: that justice and policy, as well as the true interests of our citizens, evince the propriety of promoting peace and a free trade between them and the Indians. Various circumstances shew that the Indians in general, within the United States, want only to enjoy their lands without interruption, and to have their necessities regularly supplied by our traders, and could these objects be affected, no other measures would, probably, be necessary for securing peace, and a profitable trade with those Indians. The committee are not informed what measures have been adopted by the superintendants to promote a regular trade between our people and the Indian nations, or for preventing intrusions upon the lands of the latter, several tribes complain that their land is taken from them, and that they suffer very much for want of such trade. As information relative to these subjects must, principally come from the frontier

tier settlers, the Indians and traders residing among them ; the committee are sensible that facts cannot always be well ascertained ; but in the present case, there is sufficient evidence to shew that those tribes do not complain altogether without cause. An avaricious disposition in some of our people to acquire large tracts of land, and often by unfair means, appears to be the principal source of difficulties with the Indians. There can be no doubt that settlements are made by our people on the lands secured to the Cherokees, by the late treaty between them and the United States ; and also on lands near the Oconee, claimed by the Creeks ; various pretences seem to be set up by the white people for making those settlements, which the Indians, tenacious of their rights, appear to be determined to oppose. From these contrary claims, difficulties arise which are not easily removed. The respective titles cannot readily be investigated ; but there is another circumstance far more embarrassing, and that is, the clause in the confederation relative to managing all affairs with the Indians, &c. is differently construed by Congress and the two states within whose limits the said tribes and disputed lands are. The construction contended for by those states, if right, appears to the committee, to leave the federal powers, in this case, a mere nullity ; and to make it totally uncertain on what principle Congress is to interfere between them and the said tribes : The states not only contend for this construction, but have actually pursued measures in conformity to it. North Carolina has undertaken to assign land to the Cherokees, and Georgia has proceeded to treat with the Creeks concerning peace, lands, and the objects usually the principal ones in almost every treaty with the Indians. This construction appears to the committee not only to be productive of confusion, disputes, and embarrassments in managing affairs with the independent tribes within the limits of the states, but by no means the true one. The clause referred to is,—"Congress shall have the sole and exclusive right and power of regulating the trade and managing

ing all affairs with the Indians, not members of any of the states ; provided that the legislative right of any state, within its own limits, be not infringed or violated." In forming this clause, the parties to the federal compact, must have had some definite objects in view ; the objects that come into view, principally, in forming treaties or managing affairs with the Indians, had been long understood, and pretty well ascertained in this country. The committee conceive that it has been long the opinion of the country, supported by justice and humanity, that the Indians have just claims to all lands occupied by, and not fairly purchased from them ; and that in managing affairs with them, the principal objects have been those of making war and peace. purchasing certain tracts of their lands, fixing the boundaries between them and our people, and preventing the latter settling on lands left in possession of the former. The powers necessary to these objects appear to the committee to be indivisible, and that the parties to the confederation must have intended to give them entire to the union, or to have given them entire to the state ; — These powers before the revolution were possessed by the king, and exercised by him, nor did they interfere with the legislative right of the colony within its limits ; this distinction which was then, and may be now taken, may perhaps serve to explain the proviso, part of the recited clause. The laws of the state can have no effect upon a tribe of Indians, or their lands, within the limits of the state, so long as that tribe is independent, and not a member of the state, yet the laws of the state may be executed upon debtors, criminals, and other proper objects of those laws, in all parts of it ; and therefore the union may make stipulations with any such tribe, secure it in the enjoyment of all or part of its lands, without infringing upon the legislative right in question. It cannot be supposed the state has the powers mentioned, without making the recited clause useless, and without absurdity in theory as well as in practice ; for the Indian tribes are justly considered the common friends or enemies of the United States, and no particular state can have an exclu-  
sive

live interest in the management of affairs with any of the tribes, except in some uncommon cases. The committee find it difficult to reconcile the said construction of the recited clause made by the two states, and their proceedings before mentioned, especially those of Georgia, with what they conceive to be the intentions of those who made the said motion---for the committee presume that the delegates of Georgia do not mean that Congress is bound to send their forces to punish such nations as the state shall name, to act in aid of the state authority; to send her forces and recal them as she shall see fit, to make war or peace; such an idea cannot be consistent with the dignity of the union, and the principles of the federal compact. But the committee conceive that it is the opinion of the honorable movers, and also the general opinion, that all wars and hostile measures against the Creeks, or any other independent tribe of Indians, ought to be conducted under the authority of the union, at least where the forces of the union are employed, that the power to conduct a war clearly implies the power to examine into the justice of the war, to make peace, and adjust the terms of it; and that, therefore, the terms or words of the said motion, if it be adopted by Congress at all, must be varied accordingly. But whatever may be the true construction of the recited clause, the committee are persuaded that it must be impracticable to manage affairs with the Indians within the limits of the two states, so long as they adhere to the opinions and measures they seem to have adopted. The difficulties, in fact, exist; the states think it is their duty to counteract the powers of Congress, when carried, in conducting affairs with those Indians, beyond those narrow limits which the said states prescribe---the question therefore is, how shall these difficulties be avoided in a manner most agreeable to both Congress and the states?—The committee discern but two ways practicable; the one is for the two states to make liberal cessions of territory to the United States---the other is, for those states to accede to Congress's managing, exclusively, all affairs with the Cherokees, Creeks, and other independent tribes.

tribes within the limits of the said states, so that Congress, in either case, may have the acknowledged power of regulating trade, and making treaties with those tribes, and of preventing on their lands, the intrusions of the white people. That of making liberal cessions of territory, all things considered, appears to be the most eligible, and likely to meet the approbation of the two states——several circumstances induce the committee to think this the best mode ; they presume the two states will act on liberal principles, and adopt measures founded in sound policy, and calculated to promote the national interest,—they will consider that the lands proposed to be ceded, were arrested from Great-Britain by the common exertions of the confederacy, and that other states have ceded lands to the union in a similar situation, which are now selling for the common benefit of all the states. The committee conceive that several other considerations cannot escape the observation of the two states, which may be urged in favor of the cessions ; among other things of importance to those states, as well as to the union, must be the advantages arising from putting the management of Indian affairs into the hands of Congress alone, and preventing irregular and dispersed settlements on the lands proposed to be ceded. The committee believe that the two states, upon re-considering the subject, will be disposed to follow the liberal examples of the other states in a similar situation, and especially, as it will probably appear to the two states, that by making the proposed cessions, those difficulties they now experience, will be removed, that is, the controversies respecting Indian affairs, and those dispersed settlements which tend to render the governments weak and feeble, and to produce expensive and calamitous wars with the Indians. The committee further observe on the subjects referred to them, that it is probable the Indians in the southern department will turn their trade to Florida, unless regularly supplied by our citizens and traders ; and that the attention of the superintendant in that department ought to be seasonably directed to the encouragement and promotion of a regular trade between our citizens and those  
Indians



Indians. That the dispute between Georgia and the Creeks is become so serious, that it is probable a war will ensue, and the interference of the union become necessary, unless early measures be adopted for settling the controversy respecting the said Oconee lands; the committee think, therefore, that it should be recommended to that state, to use all possible means for preserving peace with the Creeks, and that they and the Cherokees be informed, that Congress are pursuing measures for adjusting all disputes about their lands. — That Georgia be informed that Congress consider the union bound by the federal compact to protect every part of the nation, as well against the unjust and unprovoked attacks of the independent tribes of Indians within the United States, as against foreign powers; — that Congress, however, can never employ the forces of the union in any cause, the justice of which they are not fully informed and convinced, nor constitutionally interfere in behalf of the state against any such independent tribe, but on the principle that Congress shall have the sole direction of the war, and the settling of all the terms of peace with such Indian tribe. — Whereupon the committee suggest the following resolutions: *Resolved*, That it be, and it hereby is earnestly recommended to the states of North-Carolina and Georgia, respectively, to make liberal cessions of territory to the United States, for their common benefit, to be governed and disposed of in the same manner as the territory of the United States, north west of the river Ohio is, and shall be governed and disposed of. *Resolved*, That it be recommended to the state of Georgia, to use all possible means to preserve peace and friendship between the citizens of that state and the upper and lower Creek Indians, consistent with the principles of the confederation. *Resolved*, That Congress esteem it their duty to consider the causes and circumstances of any dispute or hostile proceedings between any state, or the citizens thereof, and any Indian tribe or tribes of Indians within the limits of the United States, nor members of any of the states, and that Congress is bound to employ the forces of the union to punish any such tribe or tribes which

which shall make unjust and unprovoked attacks upon any part of the United States. *Resolved*, That the superintendent of Indian affairs in the southern department be directed, without delay, to inform the Creeks and Cherokees, that Congress are pursuing measures for settling all disputes about the lands claimed by them and the white people——that he be directed to inform the Indians in his department, that Congress is always disposed to hear their complaints, which must be made through the superintendent, to redress their grievances, and to preserve peace and lasting friendship with them; and that he be directed to report the measures that have been adopted for supplying those Indians with merchandize.

On the question to postpone for the purpose above mentioned, the yeas and nays being required by Mr. Few,

Massachusetts	Mr. Holten	ay	} ay
	Mr. Dane	ay	
Rhode-Island	Mr. Varnum	ay)*	} ay
New-York	Mr. Haring	ay	
	Mr. Yates	ay	
New Jersey	Mr. Clarke	ay)*	
Pennsylvania	Mr. St. Clair	ay	} ay
	Mr. Irwine	ay	
	Mr. Armstrong	ay	
Delaware	Mr. Kearney	ay	} ay
	Mr. Mitchell	ay	
Virginia	Mr. Grayson	no	} no
	Mr. R. H. Lee	ay	
	Mr. Carrington	no	} dd
North-Carolina,	Mr. Blount	no	
	Mr. Hawkins	ay	
South Carolina	Mr. Kean	ay	} ay
	Mr. Huger	ay	
	Mr. Butler	no	
Georgia	Mr. Few	no)*	

So the question was lost.

M O N D A Y, August 6, 1787.

Five states only attending, namely, Massachusetts, New-York,

York, Pennsylvania, Delaware, and Virginia ; and from Rhode-Island, Mr. Varnum, the president adjourned Congress until to-morrow, 11 o'clock.

TUESDAY, *August 7, 1787.*

Five states attended as yesterday ; and from Rhode-Island, Mr. Varnum, and from South-Carolina, Mr. Kean.

WEDNESDAY, *August 8, 1787.*

Six states attended, namely, Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, and Virginia ; and from Rhode-Island, Mr. Varnum, and from South-Carolina, Mr. Kean.

THURSDAY, *August 9, 1787.*

Congress assembled----Present Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, and South-Carolina ; and from Rhode-Island, Mr. Varnum.

The delegates of South-Carolina, having laid before Congress, an act of the legislature of that state, empowering the delegates thereof to cede to the United States the claim of the said state to a certain tract of Western territory ; and the said delegates having presented to Congress a draught of a deed which they were ready to sign, in compliance with the said act, provided Congress are willing to accept the said cession.

*Resolved*, That Congress are ready to accept the cession of the claim of the state of South-Carolina, to the tract of country described in the act of the said state, whenever the delegates will execute a deed conformable to the said act.

On application from the honorable N. Gorham, stating that he has a schooner at Boston, called the *Machias*, William Cowell, master, bound for Mogadore in Morocco, and praying for a sea letter for the said schooner.

*Ordered*,

*Ordered*, That sea letters, in the usual form, be granted for the schooner the *Machias*, William Cowell, master.

A motion having been made by the delegates of South-Carolina,

That the convention held and concluded between the commissioners of the states of South-Carolina and Georgia, at Beaufort in the state of South-Carolina, on the 28th day of April, in the year of our Lord 1787, in the words following, to wit: "Convention between the states of South-Carolina and Georgia, concluded at Beaufort in the state of South-Carolina, on the twenty eighth day of April, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the independence of the United States of America, ---to all to whom these presents shall come, the underwritten Charles Cotesworth Pinckney, Andrew Pickens, and Pierce Butler, esquires, commissioners appointed by the state of South-Carolina of the one part, and the underwritten John Habersham, and Lachlan McIntosh, esquires, a majority of the commissioners appointed by the state of Georgia, of the other part, send greeting---whereas the state of South-Carolina did heretofore present a petition to the United States in Congress assembled, and did therein set forth, that a dispute and difference had arisen and subsisted between the states of South-Carolina and Georgia, concerning boundaries; the said states claiming respectively the same territories, and that the case and claim of the state of South Carolina was as follows, that is to say,---  
 "Charles the second, king of Great-Britain, by charter, dated the twenty-fourth day of March, in the fifteenth year of his reign, granted to eight persons therein named, as lords proprietors thereof, all the lands lying and being within his dominions of America, between thirty-one and thirty-six degrees of north latitude, in a direct west line to the South Seas, stiling the lands so described, the Province of Carolina. That on the thirtieth day of June, in the seventeenth year of his reign, the said king granted to the said lords proprietors a second charter, enlarging the bounds

bounds of Carolina, viz. from twenty-nine degrees of north latitude, to thirty-six degrees thirty minutes, and from those points on the sea coast west, in a direct line to the South Seas. That seven of the said proprietors of Carolina sold and surrendered to George the second, late king of Great-Britain, all their title and interest to the said province; and the share of the remaining proprietor was separated from the king's, and allotted to him in the north part of North-Carolina, that Carolina was afterwards divided into two provinces, called North and South Carolina. That by a charter dated the ninth day of June, one thousand seven hundred and thirty-two, George the second, king of Great-Britain, granted to certain persons therein named, all the lands lying between the rivers Savannah and Alatomaha, and between lines to be drawn from the heads of those rivers respectively, to the South Sea, and stiled the said colony, Georgia. That by the treaty of peace concluded at Paris, on the tenth day of February, one thousand seven hundred and sixty-three, the river Mississippi was declared to be the western boundary of the North-American colonies; that the governor of South Carolina, in the year one thousand seven hundred and sixty-two, conceiving that the lands to the southward of the Alatomaha still belonged to South Carolina, granted several tracts of the said lands. That the government of Georgia complained to the king of Great-Britain, respecting those grants, as being for lands within its limits, and thereupon his majesty, by proclamation dated the seventh day of October, one thousand seven hundred and sixty-three, annexed to Georgia, all the lands lying between the rivers Alatomaha and St. Mary, the validity of the grants passed by the governor of South Carolina, as aforesaid, remaining however acknowledged and uncontested, and the grantees of the said land, or their representative, still holding it as their legal estate. That South Carolina claims the lands lying between the North-Carolina line, and the line run due west from the mouth of Tugoloo river to the Mississippi, because as the said state contends, the

river Savannah loses that name at the confluence of Tugoloo and Keowee rivers, consequently that spot is the head of Savannah river. The state of Georgia, on the other hand, contends that the source of Keowee river is to be considered as the head of Savannah river. That the state of South Carolina also claims all the lands lying between a line to be drawn from the head of the river St. Mary, the head of Alatomaha, the Mississippi and Florida, being as the said state contends, within the limits of its charter, and not annexed to Georgia by the said proclamation of one thousand seven hundred and sixty-three. The state of Georgia, on the other hand, contends that the tract of country last mentioned, is a part of that state. The state, of South Carolina did therefore, by their said petition, pray for a hearing and determination of the differences and dispute subsisting as aforesaid, between the said state and Georgia, agreeable to the articles of confederation and perpetual union between the United States of America : And whereas the state of Georgia were duly notified of the said petition, and did by their lawful agents appear, in order to establish their right to the premises, in the manner directed by the said articles of confederation ; and proceedings were thereon had in Congress, in order to the appointment of judges to constitute a court for hearing and determining the said matter in question. And whereas it appeared to be the sincere wish and desire of the said states of South Carolina and Georgia, that all and singular the differences and claims subsisting between the said states, relative to boundary, should be amicably adjusted and compromised. And whereas the legislature of the state of South-Carolina did elect the above named Charles Cotesworth Pinckney, Andrew Pickens, and Pierce Butler, esquires, commissioners, and did invest them, or a majority of them, with full and absolute power and authority, in behalf of that state, to settle and compromise all and singular the differences, controversies, disputes and claims which subsist between the said state and the state of Georgia, relative to boundary, and to establish and permanently fix a boundary between the two states. And the said

said state of South Carolina did declare that it would at all times thereafter ratify and confirm all and whatsoever the said commissioners, or a majority of them should do in, and touching the premises, and that the same should be forever binding on the said state of South Carolina. And whereas the legislature of the state of Georgia did appoint John Houstoun, John Habersham, and Lachlan McIntosh, esquires, commissioners, and did invest them with full and absolute power and authority in behalf of that state, to settle and compromise all and singular the differences, controversies, disputes, and claims which subsist between the said state and the state of South-Carolina relative to boundary, and to establish and permanently fix a boundary between the two states. And the said state of Georgia did also declare, that it would at all times thereafter ratify and confirm all and whatsoever the said last mentioned commissioners, or a majority of them, should do in and touching the premises, and that the same should be forever binding on the said state of Georgia. Now therefore, Know Ye, that the underwritten commissioners on the part of the states of South Carolina and Georgia, respectively, having by mutual consent, assembled at the town of Beaufort, in the state of South Carolina, on the twenty-fourth day of this present month of April, in order to the due execution of their respective trusts, and having reciprocally exchanged and considered their full powers, and declared the same legal, and forever binding on both states, and having conferred together on the most effectual means of adjusting the differences subsisting between the two states, and of establishing and permanently fixing a boundary between them, have agreed, and by these presents, for and in behalf of their respective states, do mutually agree to the following articles, that is to say: Article the *first*. The most northern branch or stream of the river Savannah, from the sea or mouth of such stream, to the fork or confluence of the rivers now called Tugoloo and Keowee, and from thence the most northern branch or stream of the said river Tugoloo, till it intersects the northern boundary line of South Carolina, if the said branch or stream of Tugoloo extends

extends so far north, reserving all the islands in the said rivers Savannah and Tugoloo, to Georgia ; but if the head spring or source of any branch or stream of the said river Tugoloo does not extend to the north boundary line of South Carolina, then a west line to the Mississippi to be drawn from the head spring or source of the said branch or stream of Tugoloo river, which extends to the highest northern latitude, shall forever hereafter form the separation, limit and boundary between the states of South Carolina and Georgia. Article the *second*. The navigation of the river Savannah, at and from the bar and mouth along the north-east side of Cockspur island, and up the direct course of the main northern channel along the northern side of Hutchinson's island, opposite the town of Savannah, to the upper end of the said island, and from thence up the bed or principal stream of the said river, to the confluence of the rivers Tugoloo and Keowee, and from the confluence up the channel of the most northern stream of Tugoloo river to its source, and back again by the same channel to the Atlantic ocean, is hereby declared to be henceforth equally free to the citizens of both states, and exempt from all duties, tolls, hinderance, interruption or molestation whatsoever, attempted to be enforced by one state on the citizens of the other ; and all the rest of the river Savannah to the Southward of the foregoing description, is acknowledged to be the exclusive right of the state of Georgia. Article the *third*. The State of South Carolina shall not hereafter claim any lands to the eastward, southward, south-eastward, or west of the boundary above established, but hereby relinquishes and cedes to the state of Georgia all the right, title, and claim which the said state of South Carolina hath to the government, sovereignty, and jurisdiction in and over the same, and also the right of pre-emption of the soil from the native Indians, and all other the estate, property and claim which the state of South Carolina hath in or to the said land. Article the *fourth*. The state of Georgia shall not hereafter claim any lands to the northward or north-eastward of the boundary above established, but hereby re-

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relinquishes and cedes to the state of South Carolina all the right, title, and claim which the said state of Georgia hath to the government, sovereignty, and jurisdiction in and over the same, and also the right of pre-emption or the soil from the native Indians, and all other the estate, property and claim which the state of Georgia hath in or to the said lands. Article the *fifth*. The lands heretofore granted by either of the said states, between the forks of Tugoloo and Keowee, shall be the private property of the first grantees and their respective heirs and assigns, and the grantees of any of the said lands under the state of Georgia, shall within twelve months from the date hereof, cause such grants, or authentic copies thereof, ratified under the seal of the state of Georgia, to be deposited in the office of the secretary of the state of South Carolina, to the end that the same may be recorded there, and after the same shall have been so recorded, the grantees shall be entitled to receive again from the said secretary their respective grants, or the copies thereof, whichever may have been so deposited, without any charge or fee of office whatsoever, and every grant which shall not, or of which the copy certified as abovementioned shall not be so deposited, shall be adjudged void. Article the *sixth*. The commissioners on the part of the state of South Carolina do not by any of the above articles mean to cede, relinquish or weaken the right, title, and claim of any of the individual citizens of the state of South Carolina to any lands situated in Georgia, particularly to the lands situated to the south or south-west of the river Alatomaha, and granted during the administration of governor Boone, in the year one thousand seven hundred and sixty-three, and they do hereby declare, that the right and title of the said citizens to the same, is and ought to remain as full, strong, and effectual as if this convention had not been made. The commissioners on the part of the state of Georgia do decline entering into any negotiations relative to the lands mentioned in this article, as they conceive they are not authorized so to do by the powers delegated to them. In testimony whereof, the said Charles Cotesworth Pinckney,

ney, Andrew Pickens, and Pierce Butler, for and in behalf of the state of South Carolina, and the said John Habersham, and Lachlan M'Intosh, for and in behalf of the state of Georgia, have to these presents, and a duplicate thereof, both indented, interchangeably set their hands and affix their seals. Done at Beaufort, in the state of South Carolina, the twenty-eighth day of April, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America,

(Signed)

CHARLES COTESWORTH (L. S.) PINCKNEY,

ANDREW (L. S.) PICKENS.

P. (L. S.) BUTLER.

JOHN (L. S.) HABERSHAM,

LACHLAN (L. S.) M'INTOSH.'''

be ratified and confirmed, and that the lines and limits therein specified shall be hereafter taken and received as the boundaries between the said states of South Carolina and Georgia forever.

A motion was made by Mr. Dane, seconded by Mr. Holten, that the foregoing motion be committed ; and on the question for commitment, the yeas and nays being required by Mr. Kean,

Massachusetts,	Mr. Holten	ay	}	ay
	Mr. Dane	ay		
New-York,	Mr. Haring	ay	}	ay
	Mr. Yates	ay		
New-Jersey,	Mr. Clark	ay	}	ay
	Mr. Scheurman	ay		
Pennsylvania,	Mr. St. Clair	ay	}	ay
	Mr. Irwine	ay		
	Mr. Armstrong	ay	}	ay
Delaware,	Mr. Kearny	ay		
	Mr. Mitchell	ay	}	ay
Virginia,	Mr. Grayson	ay		
	Mr. Lee	ay	}	ay
	Mr. Carrington	ay		
South-Carolina,	Mr. Kean	ay	}	ay
	Mr. Huger	ay		

So it was resolved in the affirmative.

La

In virtue of the powers in them vested, the delegates of the state of South-Carolina for and in behalf of the said state, executed the following deed of cession to the United States of America.

To all who shall see these presents :

We, John Kean and Daniel Huger, the underwritten delegates for the state of South-Carolina, in the Congress of the United States, send greeting :

WHEREAS the general assembly of the state of South-Carolina, on the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, passed an act in the words following, viz. " An act to authorize the delegates of this state in Congress, to convey to the United States in Congress assembled, all the right of this state to the territory herein described. Whereas the Congress of the United States did, on the sixth day of September, in the year one thousand seven hundred and eighty, recommend to the several states in the union having claims to western territory, to make a liberal cession to the United States, of a portion of their respective claims, for the common benefit of the union : And whereas this state is willing to adopt every measure which can tend to promote the honor and dignity of the United States, and strengthen their federal union ; Be it therefore enacted by the honorable the senate and house of representatives, in general assembly met, and sitting and by the authority of the same, 'That it shall and may be lawful for the delegates of this state to the Congress of the United States, or such of them as shall be assembled in Congress, and they are hereby fully authorized and empowered for, and on behalf of this state, by proper deeds or instruments in writing, under their hands and seals, to convey, transfer, assign, and make over unto the United States in Congress assembled, for the benefit of the said states, all right, title and claim, as well of soil as jurisdiction, which this state hath to the territory or tract of country within the limits of the charter of South-Carolina, situate, lying and being within the boundaries and lines hereinafter described ; that is to say, all the territory or tract of country, included within the river Mississippi,

issippi, and a line beginning at that part of the said river which is intersected by the southern boundary line of the state of North-Carolina, and continuing along the said boundary line, until it intersects the ridge or chain of mountains which divides the eastern from the western waters: then to be continued along the top of the said ridge of mountains, until it intersects a line to be drawn due west from the head of the southern branch of Tugoloo river to the said mountains, and thence to run a due west course to the river Mississippi.---In the senate house, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the independence of the United States of America. John Lloyd, president of the senate;---John Julius Pringle, speaker of the house of representatives." And whereas the said John Kean, and Daniel Huger, were on the sixth day of March, one thousand seven hundred and eighty-seven, elected delegates to represent the state of South Carolina, according to the law of said state, in the Congress of the United States until the first Monday in November, in the said year one thousand seven hundred and eighty-seven, which election remains in full force, and the said John Kean, and Daniel Huger are the lawful delegates of said state, in the Congress of the United States; Now therefore, Know Ye, that we, the said John Kean and Daniel Huger, by virtue of the power and authority to us committed by the said act of the general assembly of South Carolina before recited, in the name, and for and in behalf of the state of South Carolina, do by these presents, assign, transfer, quit claim, cede and convey to the United States of America, for their benefit, (South Carolina inclusive) all the right, title, interest, jurisdiction and claim which the state of South Carolina hath in and to the before mentioned and described territory or tract of country, as the same is bounded and described in the said act of assembly, for the uses in the said recited act of assembly declared. In witness whereof we have hereunto set our hands and seals, this ninth day of August, in the year of our Lord one thousand seven hundred and eighty-seven, and of the so-  
vereignty

sovereignty and Independence of America the twelfth. John Kean, (L. S.) Daniel Huger (L. S.) signed, sealed, and delivered in presence of Charles Thomson, Roger Alden, Benjamin Bankson.

FRIDAY, *August 10, 1787.*

Six states attended, namely, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, and South-Carolina; and from Massachusetts, Mr. Dane, and from Rhode-Island, Mr. Varnum.

MONDAY, *August 13, 1787.*

Five states attended, namely, New-York, Pennsylvania, Delaware, Virginia, and South-Carolina; and from North Carolina, Mr. Ashe.

TUESDAY, *August 14, 1787.*

Three states attended, namely, New-York, Pennsylvania, and Virginia; and from Massachusetts, Mr. Dane, and from South-Carolina, Mr. Kean.

WEDNESDAY, *August 15, 1787.*

Two states attended, namely, New-York, and Virginia; and from Massachusetts, Mr. Dane. from Pennsylvania, Mr. St. Clair, from Delaware, Mr. Kearney, and from South-Carolina, Mr. Kean.

THURSDAY, *August 16, 1787.*

The same as yesterday.

FRIDAY, *August 17, 1787.*

Three states attended, namely, New-York, New-Jersey, and Virginia; and from Massachusetts, Mr. Dane, from Pennsylvania, Mr. St. Clair, and from North-Carolina, Mr. Ashe.

M O N -

MONDAY, *August 20, 1787.*

Four states attended, namely, New-York, New-Jersey, Delaware, and Virginia; and from Massachusetts, Mr. Dane, from Pennsylvania, Mr. Irwine, and from North-Carolina, Mr. Ashe.

TUESDAY, *August 21, 1787.*

Four states attended, namely, New-York, New-Jersey, Pennsylvania, and Virginia; and from Massachusetts, Mr. Dane, from Connecticut, Mr. Cooke, from Delaware, Mr. Mitchell, and from North-Carolina, Mr. Ashe.

WEDNESDAY, *August 22, 1787.*

The same as yesterday; and from South-Carolina, Mr. Huger.

THURSDAY and FRIDAY, *August 23 & 24, 1787.*

The same as before.

MONDAY, *August 27, 1787.*

Three states attended, namely, New-York, Pennsylvania, and Virginia; and from Massachusetts, Mr. Dane, from Connecticut, Mr. Cooke, from Maryland, Mr. Rofs, and from Georgia, Mr. Pierce.

TUESDAY, *August 28, 1787.*

The same as yesterday.

WEDNESDAY, *August 29, 1787.*

The same as before; and from New-Jersey, Mr. Clarke.

THURSDAY, *August 30, 1787.*

Five states attended, namely, New-York, New-Jersey, Penn-

Pennsylvania, Delaware, and Virginia ; and from Massachusetts, Mr. Dane, and from Connecticut, Mr. Cooke, from Maryland, Mr. Rofs, from North-Carolina, Mr. Ashe.

F R I D A Y, *August 31, 1787.*

The same as yesterday.

M O N D A Y, *September 3, 1787.*

Three states attended, namely, New-York, New-Jersey, and Virginia ; and from Massachusetts, Mr. Dane, from Pennsylvania, Mr. Irwine, from Maryland, Mr. Rofs, from North-Carolina, Mr. Ashe, and from Georgia, Mr. Pierce. And the same met from day to day until

T H U R S D A Y, *September 13, 1787.*

Five states attended, namely, New-York, Pennsylvania, Delaware, Virginia, and North-Carolina ; and from Massachusetts, Mr. Dane, from New-Jersey, Mr. Clarke, from Maryland, Mr. Rofs, and from Georgia, Mr. Pierce.

Mr. Robert Burton, a delegate for North-Carolina, attended and took his seat.

F R I D A Y, *September 14, 1787.*

Six states attended, namely, New-York, Pennsylvania, Delaware, Virginia, North-Carolina, and South-Carolina ; and from Massachusetts, Mr. Dane, from New-Jersey, Mr. Clarke, from Maryland, Mr. Rofs, and from Georgia, Mr. Pierce.

T H U R S D A Y, *September 20, 1787.*

Congress assembled---Present Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, and Georgia ; and from Maryland, Mr. Rofs, and from South-Carolina, Mr. Huger.

F R I

FRIDAY, September 21, 1787.

Congress assembled---Present as yesterday.

On the report of a committee, consisting of Mr. Dane, Mr. Clarke, Mr. Varnum, Mr. R. H. Lee, and Mr. Grayson, to whom it was referred to consider what officers in the civil department are become unnecessary, and to whom was also referred a motion of Mr. Dane :

*Resolved unanimously*, That Samuel Osgood, Walter Livingston, and Arthur Lee, commissioners of the board of treasury, appointed in pursuance of the ordinance of Congress, passed May 28, 1784, for putting the department of finance into commission, with all the powers and duties appertaining to the said board and commissioners, be, and the same are hereby continued to the tenth day of November, 1789.

*Resolved*, That the offices of the comptroller and auditor, and the clerkships pertaining thereto, from and after the first day of November next, shall cease and determine, and the powers and duties thereof shall be transferred to the board of treasury, and after the same period shall vest in, and be exercised and discharged by the said board, and by persons appointed by the said board : and the said board, for the dispatch of the business thus transferred, shall have authority to employ an accountant, whose salary shall not exceed the rate of eight hundred dollars per annum, and no more than two clerks.

*Resolved*, That when the said offices shall cease as aforesaid, that all the books and papers pertaining thereto, shall be lodged in the office of the board of treasury, and that all the returns directed to be made to the said comptroller and auditor, shall after the first day of November, be made to the said board.

*Resolved*, That the said accountant and clerks, shall respectively take an oath of fidelity to the United States, and the oath of office. And the commissioners of the said board shall severally, before the tenth day of November next, renew their bonds given to the United States, in pursuance of the resolutions of Congress of February the



3d, and March the 15th, 1785, or give bonds and security to the United States, of the same tenor, force and effect, as those directed by the said resolutions, for the faithful execution of the trust reposed in them by these resolves, or any other acts of Congress; and shall also take an oath of fidelity to the United States, and the oath of office, certificates of which shall be filed with the secretary of Congress.

SATURDAY, *September 22, 1787.*

Congress assembled--Present Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South-Carolina, and Georgia; and from Maryland, Mr. Roß.

MONDAY, *September 24, 1787.*

Congress assembled---Present as before.

On a letter of the 22d from the board of treasury, stating, that in the sales which they have made of lands in the western territory, a declaration had been made by them, previous to the sale, that the interest on the securities to be received in payment was not to be computed, and requesting to be favored with the sense of Congress, whether in payment of purchases made under the ordinance of the 20th May, 1785, interest should be computed on the principal of the securities, and received in payment on the same terms with the principal.

*Resolved*, That Congress approve of the declaration made by the board of treasury at the time of selling the public lands, that the interest on the securities to be received in payment should not be computed; and direct them to proceed in the same manner in future sales, issuing certificates, or indents of interest, for the interest due on the certificates paid conformably to the authority given them for the sale of the lands between the seventh range of townships and the Scioto, on the 23d day of July last.

On passing the foregoing resolution, a division was called for, and on the question to agree to the first clause as far  
as

as "computed" inclusive, the yeas and nays being required by Mr. Kearney,

Massachusetts,	Mr. Gorham	ay	} ay
	Mr. King	ay	
	Mr. Dane	ay	
Connecticut,	Mr. Cooke	ay)*	} ay
	Mr. Smith	ay	
	Mr. Haring	ay	
New-York,	Mr. Yates	ay	} ay
	Mr. Cadwallader	ay	
	Mr. Clark	ay	
Pennsylvania,	Mr. Scheurman	ay	} ay
	Mr. St. Clair	ay	
	Mr. Irwine	ay	
Delaware;	Mr. Bingham,	ay	} ay
	Mr. Armstrong	ay	
	Mr. Kearney	no	
Maryland,	Mr. Mitchell	no	} no
	Mr. Rofs	no)*	
	Mr. Grayson	no	
Virginia,	Mr. R. H. Lee	ay	} ay
	Mr. Carrington	ay	
	Mr. Lee	ay	
North-Carolina,	Mr. Blount	ay	} ay
	Mr. Burton	ay	
South Carolina,	Mr. Kean	ay	} ay
	Mr. Huger	ay	
	Mr. Butler	ay	
Georgia,	Mr. Few	ay	} ay
	Mr. Pierce	ay	

So it was resolved in the affirmative.

The second clause was passed without division.

The committee consisting of Mr. Smith, Mr. Dane, and Mr. Kean, to whom was referred the letter of John M. Pinzard, requesting that sea letters be granted for the ship Columbia, and the sloop Lady Washington, bound on a voyage to the north-west coast of America, report, "That it appears to them that the ship Columbia, and the sloop Lady Washington, and their cargoes, are the property of citizens

citizens of the United States, and that they are navigated principally by inhabitants of the United States, and are bound on a voyage to the north-west coast of America ;” whereupon

*Resolved*, That sea letters be granted in the usual form; for the ship *Columbia*, burthen about 220 tons, and the sloop *Lady Washington*, burthen about 90 tons, bound on a voyage to the north-west coast of America, under the command and direction of capt. John Kendrick.

T U E S D A Y, September 25, 1787.

Congress assembled---Present, New-Hampshire, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, South-Carolina, and Georgia, and from Maryland, Mr. Ross.

Mr. John Langdon, and Mr. Nicholas Gilman, delegates for New-Hampshire, produced the credentials of their appointment, under the seal of the state, by which it appears, that on the 14th June, 1786, they were appointed delegates to represent the said state in the Congress of the United States for one year, commencing the first Monday in November following.

Whereas it has been represented to Congress, by the delegates of Georgia, that their country is in danger of an invasion;

*Resolved*, That the secretary at war deliver to the order of the delegates of Georgia, one hundred and fifty pair of horse-men's pistols, one hundred and fifty dragoon's swords, one pair of brass field pieces, three pounders, one thousand pound of gun powder, and six hundred rounds of grape and round shot for the field pieces ; the state of Georgia to be accountable.

The committee consisting of Mr. R. H. Lee, Mr. Grayson, and Mr. Few, to whom was referred a petition of Nathaniel Twining, having reported, “ That it appears to them that Mr. Twining having undertaken the business of conveying the mails by stages, through a great extent of country, interrupted by many wide ferries, and through very deep and sandy roads, hath found from experience

perience that the expence of this undertaking exceeded the allowance he had agreed by contract to receive from the public. That his willingness to execute the business on the most reasonable terms, had induced him for the year 1787, to accept of about one thousand dollars less than had been allowed him for the year preceding, whilst the other contractors, though on roads more practicable, taking advantage of the necessity that compelled the postmaster to form contracts for the conveyance of the mails, insisted upon, and actually received a larger allowance for the year 1787, than was allowed for the year preceding. That from necessity he has been obliged to convey the mails, during some part of the time, and on some parts of the line, by horses, instead of carriages, which, according to the strictness of the contract he hath entered into, makes him liable to penalties which still add to his misfortunes. That in consideration of the premises, and of the propriety of giving reasonable encouragement to the undertakers of new and useful employments for the public, who are commonly subjected as Mr. Twining has been, to unforeseen difficulties; the committee recommend, that the postmaster-general be instructed to allow Mr. Twining the same consideration for his services for the year 1787, as he contracted for in the year 1786, and to remit to Mr. Twining the penalties he hath incurred by the failures of his contract as before specified, taking care to reserve an indemnification for the public, in cases where money has been actually paid, or been contracted to be paid for services in conveying the mail, unperformed by Mr. Twining; and that the mails may, for the remaining part of this year be continued to be conveyed on this route by horses, in place of carriages, in such part of his line where they have already been so done."

The foregoing report being under consideration, a division was called for: and on the question, that the postmaster-general allow Mr. Twining the same consideration for his services for the year 1787, as he contracted for in the year 1786, the yeas and nays being required by Mr. Smith,

News

New-Hampshire,	Mr. Langdon	ay	}	ay
	Mr. Gilman	ay		
Massachusetts,	Mr. Gorham	ay	}	ay
	Mr. King	ay		
	Mr. Dane	no		
Conne&icut,	Mr. Johnson	ay	}	dd
	Mr. Cook	no		
New-York,	Mr. Smith	no	}	no
	Mr. Yates	no		
New-Jersey,	Mr. Cadwallader	ay	}	ay
	Mr. Schureman	ay		
Pennsylvania,	Mr. St. Clair	ay	}	ay
	Mr. Irvine	ay		
	Mr. Armstrong	ay		
Delaware,	Mr. Kearney	ay	}	ay
	Mr. Mitchell	ay		
Maryland,	Mr. Rofs	ay	}	ay
Virginia,	Mr. Grayson	ay		
	Mr. Madison	ay	}	ay
	Mr. R. H. Lee	ay		
	Mr. Carrington	ay		
	Mr. H. Lee	ay	}	no
North-Carolina,	Mr. Blount	no		
	Mr. Ashe	no		
	Mr. Burton	no	}	ay
South-Carolina,	Mr. Kean	no		
	Mr. Huger	ay		
	Mr. Butler	ay	}	ay
Georgia,	Mr. Few	ay		
	Mr. Pierce	ay		

So the question was lost.

On the question,

*Resolved*, That the post master general be and he is hereby instructed to remit to Mr. Twining the penalties he hath incurred by the failures of his contract, by conveying the mail by horses instead of carriages, taking care to reserve an indemnification for the public, in cases where money has been actually paid or been contracted to

be paid for services in conveying the mail unperformed by Mr. Twining; and that the mails may for the remaining part of this year be continued to be conveyed on this route by horses in place of carriages, in such parts of his line where they have already been so done.

W E D N E S D A Y, September 26, 1787.

Congress assembled---Present as before.

On motion of the delegates for North-Carolina,

*Resolved*, That the post-master general be and he is hereby instructed to allow Mr. Nathaniel Twining the same consideration for his services for the year 1787, as he contracted for in the year 1786.

On the question to agree to the above resolution, the yeas and nays being required by Mr. Yates,

New-Hampshire,	Mr. Langdon	ay	} ay
	Mr. Gilman	ay	
Massachusetts,	Mr. Gorham	ay	} ay
	Mr. King	ay	
	Mr. Dane	no	
Connecticut,	Mr. Johnson	ay	} dd
	Mr. Cook	no	
New-York,	Mr. Smith	no	} no
	Mr. Haring	no	
	Mr. Yates	no	
New-Jersey,	Mr. Cadwallader	ay	} ay
	Mr. Clarke	ay	
	Mr. Schureman	ay	
Pennsylvania	Mr. St. Clair	ay	} ay
	Mr. Irwine	ay	
	Mr. Bingham	ay	
	Mr. Armstrong	ay	
Delaware,	Mr. Kearney	ay	} ay
	Mr. Mitchell	ay	
Maryland,	Mr. Rofs	ay)	}*
	Mr. Grayson	ay	
Virginia,	Mr. Madison	ay	} ay
	Mr. R. H. Lee	ay	
	Mr. Carrington	ay	
	Mr. H. Lee	ay	
			North;

North-Carolina,	Mr. Blount	ay	} ay
	Mr. Ashe	ay	
	Mr. Burton	ay	
South-Carolina,	Mr. Kean	no	} ay
	Mr. Huger	ay	
	Mr. Butler	ay	
Georgia,	Mr. Few	ay	} ay
	Mr. Pierce	ay	

So it was resolved in the affirmative.

T H U R S D A Y, September 27, 1787.

Congress assembled---Present as before.

F R I D A Y, September 28, 1787.

Congress assembled---Present, New-Hampshire, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, South-Carolina, and Georgia; and from Maryland, Mr. Ross.

Congress having received the report of the Convention, lately assembled in Philadelphia, in the words following, viz.

“ WE the People of the United States, in order to form a more perfect Union, establish Justice, insure Domestic Tranquility, provide for the common Defence, promote the general Welfare, and secure the blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

# A R T I C L E I.

Secl. 1. ALL legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Secl. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct.—The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New-Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New-Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North-Carolina five, South-Carolina five, and Georgia three.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall chuse their speaker and other officers; and shall have the sole power of impeachment.

Sec. 3. The Senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and



and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year: and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall chuse their other officers, and also a President *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

Sec. 4. The times, places and manner of holding elections, for senators and representatives, shall be prescribed in each state by the legislature thereof: But the Congress may at any time by law make or alter such regulations, except as to the places of chusing senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Sec. 5. Each house shall be the judge of the elections,

returns

returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorised to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECT. 6. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SECT. 7. All bills for raising revenue shall originate in the house of representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives

representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or, being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Sec. 8. The Congress shall have power

To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States:

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

To

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures :

To provide for the punishment of counterfeiting the securities and current coin of the United States :

To establish post-offices and post-roads :

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries :

To constitute tribunals inferior to the supreme court :

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations :

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water :

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years :

To provide and maintain a navy :

To make rules for the government and regulation of the land and naval forces :

To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions :

To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress :

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings: And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other

other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

Sec't. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct tax shall be laid, unless in proportion to the *census* or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince or foreign State.

Sec't. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money, emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws ; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States ; and all such laws shall be subject to the revision and controul of the Congress. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## A R T I C L E II.

Se<sup>ct</sup>. 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows : —

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress ; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each ; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole

whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately chuse by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner chuse the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall chuse from them by ballot the Vice-President.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other

other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation : —

“ I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend the constitution of the United States.”

*Secl. 2.* The President shall be commander in chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States ; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur ; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

*Secl. 3.* He shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient ; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time



as he shall think proper ; he shall receive ambassadors and other public ministers ; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

*Seçt. 4.* The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

### A R T I C L E III.

*Seçt. 1.* The judicial power of the United States, shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior court, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

*Seçt. 2.* The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made under their authority ; to all cases affecting ambassadors, other public ministers and consuls ; to all cases of admiralty and maritime jurisdiction ; to controversies to which the United States shall be a party ; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury ; and such trial shall be held in the state where

where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

*Sec't. 3.* Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

#### A R T I C L E IV.

*Sec't. 1.* Full faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

*Sec't. 2.* The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.

*Sec't. 3.* New states may be admitted by the Congress into this union; but no new state shall be formed or retd within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the Congress. The

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Sec. 4. The United States shall guarantee to every state in this union a Republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

## A R T I C L E V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

## A R T I C L E VI.

All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any  
thing

thing in the constitution or laws of any state to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII.

The ratification of the conventions of nine states, shall be sufficient for the establishment of this constitution between the states so ratifying the same.

DONE in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the Year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON, *President*;

And DEPUTY from VIRGINIA.

*New-Hampshire*, JOHN LANGDON,

NICHOLAS GILMAN.

*Massachusetts*,

NATHANIEL GORHAM,

RUFUS KING.

*Connecticut*,

WILLIAM SAMUEL JOHNSON;

ROGER SHERMAN.

*New-York*,

ALEXANDER HAMILTON.

*New-Jersey*,

WILLIAM LIVINGSTON,

DAVID BREARLY,

WILLIAM PATTERSON;

JONATHAN DAYTON.

*Pennsylvania*,

BENJAMIN FRANKLIN,

THOMAS MIFFLIN,

ROBERT MORRIS,

GEORGE CLYMER,

THOMAS FITZSIMONS,

JARED INGERSOLL,

JAMES

	JAMES WILSON, GOUVERNEUR MORRIS.
<i>Delaware,</i>	GEORGE READ, GUNNING BEDFORD, jun. JOHN DICKINSON, RICHARD BASSETT, JACOB BROOM.
<i>Maryland,</i>	JAMES M <sup>c</sup> HENRY, DANIEL of St. THOMAS JENIFER. DANIEL CARROL.
<i>Virginia,</i>	JOHN BLAIR, JAMES MADISON, jun.
<i>North-Carolina,</i>	WILLIAM BLOUNT, RICHARD DOBBS SPAIGHT, HUGH WILLIAMSON.
<i>South-Carolina,</i>	JOHN RUTLEDGE, CHAS. COTESWORTH PINCKNEY, CHARLES PINCKNEY, PIERCE BUTLER.
<i>Georgia,</i>	WILLIAM FEW, ABRAHAM BALDWIN.
<i>Attest.</i>	WILLIAM JACKSON; <i>Secretary.</i>

I N C O N V E N T I O N,

M O N D A Y, September 17, 1787.

P R E S E N T.

The States of New-Hampshire, Massachusetts, Connecticut, Mr. *Hamilton* from New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia :

*Resolved,* That the preceding constitution be laid before the United States in Congress assembled, and that it is the opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates; chosen in each State by the people thereof, under the recommendation of its legislature, for their assent and ratification ; and that each Convention assenting to, and ratifying the same, should

should give notice thereof to the United States in Congress assembled.

*Resolved*, That it is the opinion of this Convention, that as soon as the Conventions of nine states shall have ratified this Constitution, the United States in Congress assembled should fix a day on which electors should be appointed by the states which shall have ratified the same, and a day on which the electors should assemble to vote for the President, and the time and place for commencing proceedings under this Constitution. That after such publication the electors should be appointed, and the Senators and Representatives elected : That the electors should meet on the day fixed for the election of the President, and should transmit their votes certified, signed, sealed and directed, as the Constitution requires, to the secretary of the United States in Congress assembled, that the Senators and Representatives should convene at the time and place assigned ; that the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening and counting the votes for President ; and, that after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution.

*By the unanimous order of the Convention,*  
 GEORGE WASHINGTON, *President*;  
 William Jackson, *Secretary*.

IN CONVENTION, September 17, 1787.

SIR,

WE have now the honor to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most adviseable.

The friends of our country have long seen and desired, that the power of making war, peace, and treaties, that of levying money and regulating commerce, and the correspondent executive and judicial authorities should be fully and effectually vested in the general government of the Union : But the impropriety of delegating such extensive

five trust to one body of men is evident—Hence results the necessity of a different organization.

It is obviously impracticable in the federal government of these states, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all : Individuals entering into society, must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved ; and on the present occasion this difficulty was increased by a difference among the several states as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each state in the Convention to be less rigid on points of inferior magnitude, than might have been otherwise expected ; and thus the Constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every state is not perhaps to be expected ; but each will doubtless consider, that had her interest been alone consulted, the consequences might have been particularly disagreeable or injurious to others ; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe ; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect, We have the honor to be, Sir,

Your Excellency's most obedient and humble servants,

**GEORGE WASHINGTON**, *President.*

*By unanimous Order of the Convention.*

*His Excellency* The **PRESIDENT** of CONGRESS.

*Resolved,*

*Resolved unanimously*, That the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures in order to be submitted to a Convention of Delegates chosen in each state by the people thereof, in conformity to the resolves of the Convention made and provided in that case.

On a report from the secretary for foreign affairs,

Whereas doubts have in certain instances arisen, whether foreign consuls residing in the United States are entitled to an exemption from such legal imposts and duties on merchandises by them imported for their own use, as are payable by other subjects of their respective nations:

*Resolved*, That no consuls of any nation are entitled to such exemptions in the United States.

On the report of a committee consisting of Mr. Carrington, Mr. Kearney, and Mr. Schureman, to whom was referred a memorial of Adam Jamison:

*Resolved*, That the commissioner of accounts for the commissaries department be authorized and empowered to settle the accounts of Adam Jamison, late deputy commissary of issues, upon the best evidence which in the nature and circumstances of the case can be obtained, it appearing to Congress that his books and papers have been lost, and that the same happened through no fault or misconduct of him the said Adam Jamison.

S A T U R D A Y, September 29, 1787.

Congress assembled---Present, Massachusetts, Connecticut, New-York, New-Jersey, Delaware, Virginia, South-Carolina and Georgia; and from New-Hampshire, Mr. Gilman, from Pennsylvania, Mr. St. Clair, from Maryland, Mr. Ross, and from North-Carolina, Mr. Ashe.

M O N D A Y, October 1, 1787.

Congress assembled---Present, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, South-Carolina, and Georgia,  
and



and from New-Hampshire, Mr. Gilman, and from Maryland, Mr. Rofs.

On motion of Mr. King, seconded by Mr. H. Lee:

*Resolved*, That the commissioners to be appointed in pursuance of the ordinance passed the 7th day of May last, for settling the accounts between the United States and individual states, be allowed the same salary as is given to the commissioners of the board of treasury, to commence from the time of their entering upon the duties of their office.

On the report of a committee consisting of Mr. Pierce, Mr. Grayson, and Mr. Johnson, to whom was referred a report of the commissioner of army accounts, on a memorial of general Putnam:

*Resolved*, That the commissioner of army accounts be directed to credit general Putnam, for the sum of two thousand three hundred and eighty dollars; and that the said commissioner make a statement of the circumstances to the executive of Georgia, and send on authenticated copies of the several receipts given in the case, that the charges may be exhibited against the officers in whose hands the money was deposited.

On a report of the board of treasury, to whom was recommended their report on the memorial of Arnold Henry Dohrman:

*Resolved*, That Arnold Henry Dohrman, be reimbursed the sum of five thousand eight hundred and six dollars, and seventy-two ninetieths of a dollar, with interest on the same from the time of expenditure, being the amount of sundry disbursements by him made for the relief of American prisoners, agreeably to vouchers examined and admitted by the proper officers of the treasury.

And whereas the claims of the said Arnold Henry Dohrman against the United States amount to twenty thousand two hundred and seventy-seven dollars, and forty ninetieths, over and above the sum of five thousand eight hundred and six dollars, and seventy-two ninetieths, as above stated, in support of which various and important documents are offered, though of a nature too general to be admitted

mitted agreeably to the rules of the treasury ; and whereas this deficiency of vouchers appears to arise from the nature of the disbursements made by Mr. Dohrman, whose own house was frequently the asylum of whole crews of captive American seamen, who were fed, clothed, and relieved in sickness through his benevolence, and that at a time when his attachment to the cause of America was dangerous both to his person and property :—And whereas Congress are disposed to acknowledge in the most honorable manner the eminent services rendered by Mr. Dohrman, and to make him further compensation,

*Resolved unanimously*, That the said Arnold Henry Dohrman, be allowed in consideration of his faithful and generous services, as agent from the United States at the court of Lisbon, the sum of sixteen hundred dollars per annum, and that the said salary be computed from the period at which his expenditures commenced to the present day.

*Resolved unanimously*, That one compleat and entire township, subject to the reservations as in the other townships agreeably to the ordinance of the twentieth of May, 1785, out of the three last ranges surveyed in the western territory of the United States, be and hereby is granted to the said Arnold Henry Dohrman, free from all charges of survey, and that the said Arnold Henry Dohrman be allowed to make choice of the aforesaid township of land out of any of the said three ranges last surveyed, after the secretary at war shall have drawn for the proportionate quantity of land assigned to the late army, agreeably to the said ordinance of the 20th May, 1785.

*Resolved unanimously*, That the above payments be made in such manner, as the present state of the finances will best admit of ; and that the same, together with the grant of land as aforesaid, be in full of Mr. Dohrman's claims against the United States.

T U E S D A Y, October 2, 1787.

Congress assembled---Present Massachusetts, Connecticut,

cut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, and South-Carolina; and from New-Hampshire, Mr. Gilman, from Maryland, Mr. Ross, and from Georgia, Mr. Few.

On a report of the board of treasury, to whom was referred a state of an account of John Q. Adams against the United States, for his services as private secretary to the honorable Mr. Dana, whilst on his embassy to the court of Peterburgh :

*Resolved*, That there be allowed to Mr. Francis Dana, the sum of two thousand four hundred and ten dollars and three-ninetieths of a dollar, in full for the service and expence of a private secretary by him employed whilst on his embassy at the court of Peterburgh, from the 1st July, 1781, to the 21st April, 1783.

The board of treasury, to whom was referred a memorial of John Cochran, commissioner of the loan-office for the state of New-York, having reported,

“ That in such states, where the transactions of the commissioners of the loan-office shall, in the judgment of the board of treasury render it necessary, there be allowed one clerk, at a salary not exceeding four hundred dollars per annum, and the further sum of one hundred dollars per annum, in full of all charges for office-rent, candles and fire wood.”

Question taken and unanimously negatived.

On the report of the board of treasury, to whom was referred a memorial of Benjamin Stelle :

*Resolved*, That there be allowed to Benjamin Stelle, the pay and emoluments of a deputy paymaster in a separate department, from the first of June 1779, to the first of April, 1781.

W E D N E S D A Y, October 3, 1787.

Congress assembled---Present as yesterday.

On a report of the board of treasury, to whom were referred a memorial and letter of Thomas Hutchins, geographer to the United States, and sundry memorials of the

the surveyors employed under him in the western territory, praying a compensation on account of their extra expence, and in executing surveys under the present ordinance.

*Resolved*, That the geographer of the United States, certify to the board of treasury, such reasonable charges of the extra expence, as shall appear to him, on the best vouchers, or other evidence, which the nature of the case will admit of, to have been necessarily incurred by the surveyors of the western territory, in the execution of their respective surveys; and that the board of treasury take such order as the state of the treasury will best admit of, for the payment of such of the said expences, as they shall judge proper.

The committee, consisting of Mr. Grayson, Mr. Armstrong, and Mr. Clarke, to whom was referred a motion for ascertaining the salary of the governor of the western territory, under the ordinance of the 13th July last, having reported, that the salary of the governor of the western territory, under the ordinance of Congress of the 13th day of July, 1787, be            dollars per annum; for a term not exceeding three years, the said salary to commence from the time of his beginning to execute the duties of his office. That from and after the 14th day of August next, the powers, duties and emoluments of the superintendant of Indian affairs for the northern department, be united with those of the governor.

A motion being made to fill the blank with the words; "one thousand;" the yeas and nays were called by Mr. Yates.

New-Hampshire,	Mr. Gilman	ay)*
Massachusetts,	Mr. Gorham	ay }
	Mr. King	ay } ay
	Mr. Dane	ay }
	Mr. Johnson	ay } ay
Connecticut,	Mr. Cook	ay }
New-York,	Mr. Smith	ay }
	Mr. Haring	ay } ay
	Mr. Yates	no }
		New-

New-Jersey,	Mr. Cadwallader	ay	}	ay
	Mr. Clarke	ay		
	Mr. Schureman	ay		
Pennsylvania;	Mr. St. Clair	ay	}	ay
	Mr. Bingham	ay		
	Mr. Armstrong	ay		
Delaware,	Mr. Kearney	ay	}	ay
	Mr. Mitchell	ay		
Maryland,	Mr. Ross	ay	}	*
Virginia,	Mr. Grayson	ay		
	Mr. Madison	ay	}	ay
	Mr. R. H. Lee	ay		
	Mr. Carrington	ay		
North-Carolina,	Mr. Ashe	ay	}	ay
	Mr. Burton	ay		
South-Carolina,	Mr. Kean	ay	}	ay
	Mr. Huger	ay		
	Mr. Butler	ay		
Georgia,	Mr. Few	ay	}	*

So it was resolved in the affirmative.

And on the question,

*Resolved*, That the salary of the governor of the western territory under the ordinance of Congress of the 13th day of July, 1787, be one thousand dollars per annum, for a term not exceeding three years, the said salary to commence from the time of his beginning to execute the duties of his office. That from and after the 14th day of August next, the powers, duties, and emoluments of the superintendant of Indian affairs for the northern department, be united with those of the governor.

On motion,

*Resolved*, That the salary of the secretary under the said ordinance, be seven hundred and fifty dollars per annum, to commence from the time of his beginning to execute the duties of his office.

On motion,

*Resolved*, That the salary of the judges under the ordinance aforesaid, be severally eight hundred dollars per

annum.

annum, to commence from the time of their beginning to execute the duties of their office.

On passing this resolution, the yeas and nays being required by Mr. Yates,

New-Hampshire,	Mr. Gilman	ay)*.
Massachusetts,	Mr. Gorham	no
	Mr. King	ay } ay
	Mr. Dane	ay }
Connecticut,	Mr. Johnson	ay } ay
	Mr. Cook	ay }
New-York,	Mr. Smith	ay } ay
	Mr. Haring	ay }
	Mr. Yates	no }
New-Jersey,	Mr. Cadwallader	ay } ay
	Mr. Clark	ay }
	Mr. Schureman	ay }
Pennsylvania,	Mr. St. Clair	ay } ay
	Mr. Bingham	ay }
	Mr. Armstrong	ay }
Delaware,	Mr. Kearney	ay } ay
	Mr. Mitchell	ay }
Maryland,	Mr. Ross	ay)*
Virginia,	Mr. Grayson	ay } ay
	Mr. Madison	ay }
	Mr. R. H. Lee	ay }
North-Carolina,	Mr. Ashe	ay } ay
	Mr. Burton	ay }
South-Carolina,	Mr. Kean	ay } ay
	Mr. Huger	ay }
	Mr. Butler	ay }
Georgia,	Mr. Few	ay)*

So it was resolved in the affirmative.

On a report of the secretary at war, to whom was referred his letter of the 26th of September, Congress came to the following resolutions :

Whereas the time for which the greater part of the troops on the frontiers are engaged will expire in the course of the ensuing year,

Resolved, That the interests of the United States require

quire that a corps of seven hundred troops should be stationed on the frontiers to protect the settlers on the public lands from the depredations of the Indians; to facilitate the surveying and selling of the said lands, in order to reduce the public debt, and to prevent all unwarrantable intrusions thereon.

*Resolved*, That in order to save the great expence of transporting new levies to the distant frontiers of the United States, and also to avail the public of the discipline and knowledge of the country acquired by the troops on the frontiers, it is highly expedient to retain as many of them as shall voluntarily re-engage in the service.

*Resolved*, That seven hundred non-commissioned officers and privates be raised for the term of three years, unless sooner discharged, and that the same be furnished in the proportions herein specified, by the states which raised the troops agreeably to the requisitions of Congress of April, 1785 :

Connecticut one hundred and sixty-five,

New-York one hundred and sixty-five,

New-Jersey one hundred and ten,

Pennsylvania two hundred and sixty.

That the commissioned officers for the said troops be furnished by the said states agreeably to the present proportions.

That the organization of the said troops, together with the two companies of artillery raised by virtue of the resolves of Congress of the 20th of October, 1786, be according to the present establishment; to wit, one regiment of infantry of eight companies, each company four sergeants, four corporals, two musicians, and sixty privates; and one battallion of artillery, of four companies, each company four sergeants, four corporals, two musicians, and sixty privates.

That the secretary at war make the necessary arrangements from time to time to replace the men on the frontiers whose engagements shall expire.

That the said troops shall be governed by such rules, and articles of war as are or shall be established by Congress, or a committee of the states. That

That the pay and allowances of the said troops be the same as directed by the resolve of Congress of April 12, 1785.

That the board of treasury make the necessary provisions of cloathing and rations from time to time, at such places as the secretary at war shall judge necessary.

T H U R S D A Y, October 4, 1787.

Congress assembled---Present as before.

F R I D A Y, October 5, 1787.

Congress assembled---Present as before.

Congress proceeded to the election of a governor for the western territory, pursuant to the ordinance of the 13th of July last, and the ballots being taken,

The honorable Arthur St. Clair, was elected.

Congress proceeded to the election of a secretary, pursuant to the said ordinance, and the ballots being taken, Mr. Winthrop Sargent, was elected.

On a report of the secretary for foreign affairs, to whom were referred two letters from the honorable John Adams, of the 24th and 27th of January last :

*Resolved*, That the honorable John Adams, the minister plenipotentiary of the United States, at the court of London be permitted, agreeably to his request, to return to America at any time after the 24th day of February, in the year of our Lord 1788, and that his commission of minister plenipotentiary to their High Mightinesses do also then determine.

*Resolved*, That Congress entertain a high sense of the services which Mr. Adams has rendered to the United States, in the execution of the various important trusts which they have from time to time committed to him, and that the thanks of Congress be presented to him for the patriotism, perseverance, integrity and diligence with which he has ably and faithfully served his country.

On the report of a committee consisting of Mr. Dane,  
Mr.



Mr. Hawkins, Mr. Kean, Mr. Irwine, and Mr. Carrington, to whom were referred a report of the secretary at war, and sundry papers relative to Indian affairs in the northern department :

*Resolved*, That a general treaty be held with the tribes of Indians within the limits of the United States, inhabiting the country north-west of the Ohio, and about Lake Erie, as soon after the first of April next as conveniently may be, and at such place, and at such particular time as the governor of the western territory shall appoint, for the purposes of knowing the causes of uneasiness among the said tribes and hearing their complaints ; of regulating trade and amicably settling all affairs concerning lands and boundaries between them and the United States.

That the said governor of the western territory hold the said treaty agreeably to such instructions as shall be given him for that purpose.

S A T U R D A Y, *October 6, 1787.*

Congress assembled--Present, Massachusetts, New-York, Pennsylvania, Delaware, Virginia, North-Carolina, and South-Carolina ; and from New-Hampshire, Mr. Gilman, from Connecticut, Mr. Johnson, from Maryland, Mr. Ross, and from Georgia, Mr. Few.

M O N D A Y, *October 8, 1787.*

Congress assembled--Present, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, and South-Carolina ; and from New-Hampshire, Mr. Gilman, and from Maryland, Mr. Ross.

A motion being made by Mr. Dane, seconded by Mr. Smith, as follows :

“ Whereas it appears by the journals of Congress, that a federal court has been instituted pursuant to the articles of confederation and perpetual union, to hear and determine a controversy respecting territory between the states

of Massachusetts and New-York. And whereas it appears by the representations of the delegates of the said states in Congress, that the said controversy has ceased, and that the same has been settled and determined by an agreement entered into on the sixteenth day of December last, by the agents of the said states, in the words following, to wit: Any further proceedings therefore in or relative to the aforesaid court having become unnecessary, *Resolved*, That all further proceedings in and relative to the said federal court, as also the commissions of the judges thereof, cease and determine."

A motion was made by Mr. Madison, seconded by Mr. Clarke, to strike out the words "in the words following, to wit;" and on the question shall those words stand, the yeas and nays being required by Mr. Smith,

New-Hampshire,	Mr. Gilman	ay)*	
Massachusetts,	Mr. Gorham	ay	}
	Mr. King	ay	
	Mr. Dane	ay	}
Connecticut,	Mr. Johnson	ay	
	Mr. Cook	ay	}
New-York,	Mr. Smith	ay	
	Mr. Haring	ay	}
	Mr. Yates	ay	
New-Jersey,	Mr. Cadwallader	no	}
	Mr. Clarke	no	
Pennsylvania,	Mr. St. Clair	no	}
	Mr. Irwine	no	
	Mr. Armstrong	no	}
Delaware,	Mr. Kearney	no	
	Mr. Mitchell	no	}
Maryland,	Mr. Rofs	no)*	
Virginia,	Mr. Grayson	no	}
	Mr. Madison	no	
	Mr. R. H. Lee	ay	}
	Mr. Carrington	no	
	Mr. H. Lee	ay	}
North-Carolina,	Mr. Ashe	no	
	Mr. Buxton	no	}
			South-

South-Carolina,	Mr. Kean	no	} <i>ad</i>
	Mr. Butler	ay	
Georgia,	Mr. Few	no)	*

So the question was lost and the words were struck out; and on the question, the motion being amended, was agreed to as follows :

Whereas it appears by the journals of Congress that a federal court has been instituted, pursuant to the articles of confederation and perpetual union, to hear and determine a controversy respecting territory between the states of Massachusetts and New-York; and whereas it appears by the representations of the delegates of the said states in Congress, that the said controversy has ceased, and the same has been settled and determined by an agreement entered into on the sixteenth day of December last, by the agents of the said states, and any further proceedings in or relative to the aforesaid court having become unnecessary,

*Resolved*, That all further proceedings in and relative to the said federal court, as also the commissions of the judges thereof cease and determine.

A motion was then made by Mr. Dane, seconded by Mr. Yates, that the attested copy of the aforesaid agreement, laid before Congress by the delegates of the two states, be filed in the secretary's office; the same being in the words following :

TO all to whom these presents shall come, The underwritten, John Lowell, James Sullivan, Theophilus Parsons, and Rufus King, agents or commissioners, appointed by the commonwealth of Massachusetts of the one part, and the underwritten, James Duane, Robert R. Livingston, Robert Yates, John Haring, Melancton Smith, and Egbert Benson, six of the agents or commissioners, appointed by the state of New-York of the other part, send greeting : Whereas the commonwealth of Massachusetts did, heretofore, present a petition to the United States in Congress assembled, thereby, among other things, stating, that all that territory which, in the said petition, is described as " All that part of New-England, in America,

which

which lieth and extendeth between a great river, called Merrimack, and a certain other river there, called Charles river, being the bottom of a bay there, called Massachusetts-Bay: and also, all those lands lying within three English miles to the southward of the southermost part of the said bay; and extending thence northward, in latitude to the northward of every part of said river Merrimack; and in breadth of latitude aforesaid, extending throughout all the main land, in longitude, westwardly, to the Southern Ocean," was the just and proper right of the said commonwealth; and farther, stating, that the state of New-York had set up a claim to some part of the land beforementioned, the said commonwealth did, therefore, by the said petition, solemnly request of the United States in Congress, that commissioners might be appointed, for enquiring into and determining upon the claim aforesaid, of the legislature of the said commonwealth, and that such other proceedings, respecting the premises, might be had, as are, by the federal government of the said United States, in such case made and provided, as by the said petition, filed among the archives of the United States, reference being thereunto had, may more fully appear. And whereas the state of New-York, doth, in opposition to the said claim of the commonwealth of Massachusetts, claim, as the just and proper right of the said state, as well in respect of property as jurisdiction, all those lands and territories bounded on the north by the parallel of the latitude passing through the said point, place or boundary aforesaid of three miles to the northward of every part of the said river Merrimack, and bounded on the south by the parallel of latitude passing through the said point or place, situate three miles south of the southermost part of the said bay, called Massachusetts-Bay, bounded on the west by the limits between the United States and the king of Great-Britain, and the line of cession from the state of New-York to the United States, and bounded on the east by the line agreed on and established between the late colony of the Massachusetts-Bay and the late colony of New-York, in the year one thousand

said seven hundred and seventy-three, and from the northern termination of the said line, then bounded on the east by the west bank of Connecticut river. And whereas the state of New-York, having been duly notified, did appear, by their lawful agents, to vindicate such their said right against the said claim of the said commonwealth, and proceedings were thereupon had in Congress, pursuant to the articles of confederation, in order to the appointment of commissioners or judges to constitute a court for hearing and determining the said matters in question. And whereas the said John Lowell, James Sullivan, Theophilus Parsons, and Rufus King, were afterwards, by a certain commission, under the seal of the said commonwealth, and bearing date the twenty-sixth day of April, in the ninth year of the independence of the United States, and made in pursuance of an act of the legislature of the said commonwealth, passed the fourteenth day of March, in the eighth year of the independence of the United States; and of a resolution of the said legislature, passed the eighteenth day of the said month of March, commissioned to be agents, to manage, conduct and prosecute the claims of the said commonwealth, to the lands described in the said petition. And whereas, afterwards, and pending such proceedings in Congress, the legislature of the commonwealth of Massachusetts did, by an act, entitled, an act empowering the agents appointed by this government, to defend the territory on the west side of "Hudson's river, against the claims of the state of New-York, to settle the controversy relative thereto, otherwise than by a federal court, if they shall judge it expedient," enact, that the major part of the said agents, or commissioners, should be fully authorised and empowered to agree with the agents, or commissioners, of the state of New-York, and settle the controversy respecting the territory aforesaid, by a federal court, as appointed by virtue of the confederation, or otherwise, in such way and manner as they should judge would comport with justice and the interest of the said commonwealth; and the legislature of the state of New-York did, by an act

act, entitled, "An act supplementary to the act, entitled, an act to appoint agents, or commissioners, for vindicating the right and jurisdiction of this state, against the claims of the commonwealth of Massachusetts, pursuant to the articles of confederation and perpetual union of the United States," among other things enact, that it should be lawful for the said James Duane, Robert R. Livingston, Egbert Benson, John Haring, Melancton Smith, and Robert Yates, and also John Lansing, jun. or any five or more of them, to settle the said controversy between the said state of New-York, and the said commonwealth of Massachusetts, otherwise than by the said federal court, in such manner as they should judge most conducive to the interest of the said state, as by the said commission and the said several acts, relation being thereunto had, may appear : Now, therefore, know ye, that the underwritten commissioners, on the part of the commonwealth of Massachusetts and the state of New-York, respectively, having, by mutual consent, assembled at the city of Hartford, in the state of Connecticut, on the thirtieth day of November last, in order to the due execution of their respective trusts, and having duly exchanged and considered their respective powers, and declared the same legal and sufficient, after several conferences, and to the end that all interfering claims and controversies between the said commonwealth of Massachusetts and the said state of New-York, as well in respect of jurisdiction as property, may be finally settled and extinguished, and peace and harmony for ever established between them on the most solid foundation ; have agreed, and by these presents do mutually for and in behalf of the said commonwealth of Massachusetts and the said state of New-York, by whom, respectively, they, the said commissioners, have been so appointed and authorised as aforesaid, agree to the mutual cessions, grants, releases, and other provisions following, that is to say : First, the commonwealth of Massachusetts doth hereby cede, grant, release, and confirm to the state of New-York for ever, all the claim, right and title which the commonwealth of Massachusetts hath to the government, sovereignty, and  
juris-

jurisdiction of the lands and territories so claimed by the state of New-York, as herein before stated and particularly specified. Secondly, the state of New-York doth hereby cede, grant, release, and confirm to the said commonwealth of Massachusetts, and to the use of the commonwealth, their grantees, and the heirs and assigns of such grantees for ever, the right of pre-emption of the soil from the native Indians, and all other the estate, right, title, and property (the right and title of government, sovereignty, and jurisdiction excepted) which the state of New-York hath, of, in, or to two hundred and thirty thousand and four hundred acres to be located by the commonwealth of Massachusetts, and to be situate to the northward of and adjoining to the lands granted respectively to Daniel Coxe and Robert Lettice Hooper, and their respective associates, and between the rivers Oswega and Chenengo, and also of, in, or to all the lands and territories within the following limits and bounds, that is to say, beginning in the north boundary line of the state of Pennsylvania, in the parallel of forty-two degrees of north latitude, at a point, distant eighty-two miles west from the north-east corner of the state of Pennsylvania, on Delaware river, as the said boundary line hath been run and marked by the commissioners appointed by the states of Pennsylvania and New-York, respectively; and from the said point or place of beginning, running on a due meridian north, to the boundary line between the United States of America and the king of Great-Britain; thence westerly and southerly along the said boundary line to a meridian which will pass one mile due east from the northern termination of the freight or waters between lake Ontario and lake Erie; thence south along the said meridian to the south shore of lake Ontario; thence on the eastern side of the said freight, by a line always one mile distant from and parallel to the said freight, to lake Erie; thence due west to the boundary line between the United States and the king of Great-Britain; thence along the said boundary line until it meets with a line of cession from the state of New-York, to the United States; thence  
along

along the said line of cession, to the north-west corner of the state of Pennsylvania, and thence east along the northern boundary line of the state of Pennsylvania, to the said place of beginning; and which said lands and territories so ceded, granted, released and confirmed, are parcel of the lands and territories described in the said petition. Thirdly, the commonwealth of Massachusetts doth hereby cede, grant, release and confirm to the state of New-York, and to the use of the state of New-York, their grantees, and the heirs and assigns of such grantees, forever, the right of pre-emption of the soil from the native Indians, and all other the estate, right, title and property which the commonwealth of Massachusetts hath of, in or to the residue of the lands and territories so claimed by the state of New-York, as herein before stated and particularly specified. Fourthly, that the lands so ceded, granted, released and confirmed to the commonwealth of Massachusetts, or such part thereof as shall from time to time be and remain the property of the commonwealth of Massachusetts, shall, during the time that the same shall so be and remain such property, be free and exempt from all taxes whatsoever, and that no general or state tax shall be charged on or collected from the lands hereafter to be granted by the commonwealth of Massachusetts, or on the occupants or proprietors, of such lands, until fifteen years after such confirmation as is herein after mentioned of such grants shall have expired; but that the lands so to be granted, and the occupants thereof, shall, during the said period, be subject to town or county charges or taxes only; provided that this exemption from general or state taxes shall not be construed to extend to such duties, excises or imposts to which the other inhabitants of the state of New-York shall be subject and liable. Fifthly, that no rents or services shall be reserved in any grants to be made of the said lands, by the commonwealth of Massachusetts. Sixthly, that the inhabitants on the said lands and territories, being citizens of any of the United States, and holding by grants from the commonwealth of Massachusetts, shall be entitled to equal rights



rights with the other citizens of the state of New-York; and further, that the citizens of the commonwealth of Massachusetts shall, from time to time, and at all times hereafter, have and enjoy the same and equal rights respecting the navigation and fishery on and in lake Ontario and lake Erie, and the waters communicating from the one to the other of the said lakes, and respecting the roads and portages between the said lakes, as shall from time to time be had and enjoyed by the citizens of the state of New-York; and the citizens of the commonwealth of Massachusetts shall not be subject to any other regulations or greater tolls or duties to be made or imposed from time to time by the state of New-York, respecting the premises, than the citizens of the state of New-York shall be subject to. Seventhly, that no adverse possession of the said lands for any length of time, shall be adjudged a disseizen or the commonwealth of Massachusetts. Eighthly, that the state of New-York, so long as any part of the said lands shall be and remain the property of the commonwealth of Massachusetts, shall not cede, relinquish, or in any manner divest themselves of the government and jurisdiction of the said lands, or any part thereof, without the consent of the commonwealth of Massachusetts. Ninthly, that the commonwealth of Massachusetts may from time to time, by persons to be by them authorized for the purpose, hold treaties and conferences with the native Indians, relative to the property or right of soil of the said lands and territories hereby ceded, granted, released and confirmed to the commonwealth of Massachusetts, and with such armed force as they shall deem necessary for the more effectual holding such treaty or conference; and the commonwealth of Massachusetts, within six months after such treaties shall respectively be made, shall cause copies thereof to be deposited in the office of the secretary of the state of New-York. Tenthly, the commonwealth of Massachusetts may grant the right of pre-emption of the whole or any part of the said lands and territories, to any person or persons, who, by virtue of such grant, shall have good right to extinguish by purchase, the claims of the native Indians; provided

provided however, that no purchase from the native Indians by any such grantees or grantees, shall be be valid, unless the same shall be made in the presence of, and approved by a superintendant to be appointed for such purpose by the commonwealth of Massachusetts, and having no interest in such purchase, and unless such purchase shall be confirmed by the commonwealth of Massachusetts. Eleventhly, that the grantees of the said lands and territories under the commonwealth of Massachusetts, shall, within six months after the confirmation of their respective grants, cause such grants, or the confirmations thereof, or copies of such grants or confirmations, certified or exemplified under the seal of the commonwealth of Massachusetts, to be deposited in the said office of secretary of the state of New-York, to the end that the same may be recorded there; and after the same shall have been so recorded, the grantees shall be entitled to receive again from the said secretary, their respective grants or confirmations, or the copies thereof, whichsoever may have been so deposited, without any charges or fees of office whatsoever, and every grant or confirmation which shall not, or of which such copy shall not be so deposited, shall be adjudged void. *In Testimony whereof*, the said John Lowell, James Sullivan, Theophilus Parsons, and Rufus King, for and in the name and behalf of the said commonwealth of Massachusetts, and the said James Duane, Robert R. Livingston, Robert Yates, John Haring, Melancton Smith, and Egbert Benson, for and in the name and on behalf of the said state of New-York, have to these presents, and a duplicate thereof, both indented, interchangeably set their hands and affixed their seals. Done at the city of Hartford aforesaid, the sixteenth day of December, in the year of our Lord one thousand seven hundred and eighty-six, and the eleventh year of the independence of the United States of America. The following errors in transcribing being corrected before execution, viz. the words [the underwritten] between the 1st and 2d lines, [there] between the 4th and 5th lines, [are] and [said] between the 9th and 10th lines, [point] between the 11th and 12th lines,

lines, [said] between the 18th and 19th lines, [an act entitled] between the 22d and 23d lines, [relative thereto] between the 23d and 24th lines, [and] and [also] between the 28th and 29th lines, [following] between the 36th and 37th lines, [sovereignty] between the 40th and 41st lines, [appointed] between the 44th and 45th lines of the first sheet, being interlined; and [of Massachusetts] between the 11th and 12th lines, [native] between the 15th and 16th lines, [ceded] between the 16th and 17th lines, and [so] between the 27th and 28th lines, interlined in the second sheet, and an erasure between the words [until] and [fifteen] made in the second sheet. John Lowell, (L. S.) James Sullivan, (L. S.) Theophilus Parsons, (L. S.) Rufus King, (L. S.) James Duane, (L. S.) Robert R. Livingston, (L. S.) Robert Yates, (L. S.) John Haring, (L. S.) Melancton Smith, (L. S.) Egbert Benson, (L. S.) --Witnesses present at the sealing and delivery, George Wyllis, Thos. Seymour, Jesse Root, Jerem. Wadsworth, D. Humphreys, Wm. Imlay, Joseph Webb, Simeon De Witt, Lewis Dubois, Nathaniel Bethune. BE it remembered, that on this thirtieth day of January, in the year of our Lord one thousand seven hundred and eighty-seven, personally appeared before me Richard Morris, esquire, chief justice of the state of New-York, Jeremiah Wadsworth, and Lewis Dubois, esqrs. two of the subscribing witnesses to the within instrument, who being by me duly sworn, did severally depose and say, that they were present, and did see the within named James Duane, Robert R. Livingston, Robert Yates, John Haring, Melancton Smith, Egbert Benson, John Lowell, James Sullivan, Theophilus Parsons, and Rufus King, severally sign, seal and deliver the within instrument as their, and each of their free and voluntary act and deed, to and for the uses and purposes therein mentioned; and that George Wyllis, Thomas Seymour, Jesse Root, D. Humphreys, William Imlay, Simeon De Witt, and Nathaniel Bethune, the other subscribing witnesses, were also present, and did, together with the deponents, sign and subscribe their names as witnesses to the execution thereof; and I having in-

spectad

spected the said instrument, and finding no interlineations or material erasures therein, except those noted in the body thereof to have been made before the execution thereof, do allow the same to be recorded. Richard Morris. — Secretary's-office, office of the state of New-York, fs. I Certify that the within instrument and certificate are recorded in the said office, in book of miscellaneous records, endorsed

A

M R, page 38, &c. Examined and compared with the said record copy thereof, this second day of February, 1787, by me Robert Harpur, deputy-secretary. — Secretary's-office of the state of New-York, fs. I Do hereby Certify the foregoing to be a true copy of the original thereof remaining in the said office, (the word "*hath*" between the 27th and 28th lines, and the syllable "*in*" between the 45th and 46th lines, being first interlined; and the words "*excises*" on the 39th and "*Richard Morris*" on the 62d lines, being first written on razures.) Examined and compared therewith this 8th day of August, 1787, by me Robert Harpur, deputy secretary."

On the question to agree to this motion, the yeas and nays being required by Mr. Smith,

New-Hampshire,	Mr. Gilman	ay)*
Massachusetts,	Mr. Gorham	ay
	Mr. King	ay
	Mr. Dane	ay
	Mr. Johnson	ay
Connecticut,	Mr. Cook	ay
New-York,	Mr. Smith	ay
	Mr. Haring	ay
New-Jersey,	Mr. Yates	ay
	Mr. Cadwallader	no
	Mr. Clarke	no
Pennsylvania,	Mr. St. Clair	ay
	Mr. Irwine	no
	Mr. Armstrong	ay
Delaware,	Mr. Kearney	no
	Mr. Mitchell	no
Maryland,	Mr. Ross	no)*

Vir-

Virginia,	Mr. Grayson	no	} no
	Mr. Madison	no	
	Mr. R. H. Lee	ay	
	Mr. Carrington	no	
North-Carolina,	Mr. H. Lee	ay	} no
	Mr. Ashe	no	
	Mr. Burton	no	
South-Carolina,	Mr. Kean	no	} dd
	Mr. Butler	ay	
Georgia,	Mr. Few	no)*	

So the question was lost.

### T U E S D A Y, October 9, 1787.

Congress assembled---Present, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Virginia, North-Carolina, and South-Carolina; and from New-Hampshire, Mr. Gilman, from Delaware, Mr. Mitchell, from Maryland, Mr. Rees, and from Georgia, Mr. Few.

A report of the board of treasury, on a petition of Mr. Abraham Yates, jun. being called for and read; a motion was made by Mr. Burton, seconded by Mr. Mitchell, to commit the said report, which is in the words following, to wit:

The board of treasury, to whom was referred the petition of Abraham Yates, jun. esq. late continental loan-officer for the state of New-York, praying a further allowance for his services in that department,

Beg leave to report,

That from a summary of Mr. Yates's commission accounts, whilst acting as loan-officer for the state of New-York, transmitted to this office by the commissioner of accounts for that state, it appears, That the amount of the commissions allowed to, and received by Mr. Yates, for his services as loan-officer, was six thousand two hundred and forty-three dollars, specie value. That Mr. Yates entered on the duties of his station in the month of November, 1779, and continued therein until the 1st of January,

1786,

1786, but scarcely any business whatever was transacted in that office after the month of December, 1781, till the month of April, 1785; so that the space of time in which Mr. Yates's services were actually engaged in the business of the loan-office, will not exceed three years. That in the adjustment of Mr. Yates's commission account, the state commissioner has allowed a specie commission on the nominal sum of the old continental emissions received, and paid by the loan-officer at a depreciated value, contrary to the general principles which had governed in the former settlement of loan-office accounts; and that the propriety of adhering to these principles is clearly stated in the report of the comptroller of the treasury, concurred in by this board on the 16th December last. That, in consequence of this mode of adjustment, the comptroller states, that there is a considerable difference in favor of Mr. Yates, in the specie balance found due to him. With respect to the additional compensation claimed by Mr. Yates, the board observe, that it arises for services in signing, stamping and numbering about twenty-three thousand bills of the new emission; and in counting, punching and packing 2,825,000 dollars, in bills of the old emission; for which last service Mr. Yates charges fourteen hundred and twelve pounds nine shillings, New-York currency, equal to three thousand five hundred and thirty-one specie dollars, being a commission of 1-8 per cent. in specie, on the amount of the old continental emissions above-mentioned. That, on estimating the amount of the specie commission above-mentioned, at the value of the old continental money, as fixed by the resolve of Congress of the 18th March, 1780, it would amount to 141,240 continental dollars, which is equal to a commission of 5 per cent. (instead of 1-8, as allowed by Congress) on the whole sum received; from which it clearly appears, that, if a specie commission was to be estimated on monies received at a depreciated rate, the same would constantly augment in a ratio proportioned to the stage of depreciation; so that on the continental monies still to be destroyed at the treasury

(estimated)

(estimating the present worth at 250 for one, at which it was lately purchased by the State of New-York) the commission would exceed 30 per cent. That it appears to this board, from a report of the two commissioners employed in this city, to examine, count and destroy the bills of the old continental emissions, now bringing into the treasury, that, betwixt the 15th December and 17th January last, they had examined, counted and destroyed 2,759,217 dollars of the old continental emissions. That the allowance, made to each of these commissioners, is two dollars per day; so that the expence attending this service has been one hundred and eight dollars: admitting, therefore, the trouble of receiving and punching the old emissions, at the respective loan offices, to be equal to that of examining and destroying the same at the treasury the expence of cancelling the sum received by Mr. Yates, would be one hundred and eleven specie dollars, instead of three thousand five hundred and twenty-one dollars, as claimed by his memorial. On the whole, the board beg leave to observe, that, on estimating the commissions on the old emissions, received by Mr. Yates, on the principles stated in the report of the comptroller, the specie balance, found due to that officer, would be diminished two thousand eight hundred and ninety-four dollars; so that, should the commission of 1-8 per cent. on the old emissions cancelled by him, in pursuance of the resolve of the 18th March, 1780, be allowed (notwithstanding the objections made thereto by the commissioner of accounts for the state of New-York) the amount of the same would fall far short of the sum obtained by Mr. Yates, in consequence of the principles on which his commission account has been settled; since, by a just estimation of the commission of 1-8 per cent. as claimed by the memorial, the same would amount only to eighty-eight specie dollars. The principle of applying a specie commission on monies received on account of the United States, at a depreciated value, appears to this board a precedent of so dangerous a nature, that they have esteemed it their duty, in the first instance which has come under their cognizance,

nizance, to be particular in their observations on it. The commission account of the loan officers of the states of Pennsylvania and Massachusetts, estimated in this manner, would amount to a sum, exceeding in a prodigious degree, any equitable compensation for their respective services. Nor is this the extent of the mischief; the various officers entitled to commissions in the staff department, might plead a precedent for applying the same principle in the settlement of their respective accounts, and thereby swell the amount of their commissions to a sum of a far greater magnitude than the public were bound to pay, or they had a right to expect. In the commissary and quarter-master general's department, under the direction of the late major-general Greene and colonel Wadsworth, the sum of old emission money received by them, respectively, is as follows:

	<i>Dollars.</i>
By major-general Greene,	89,903,885
By colonel Wadsworth,	79,246,733

By the resolve of Congress, of the 2d March, 1778, the commission allowed to the quarter-master general, and his two principal assistants, for their trouble and expence, was to be one per cent. on the monies issued to them. By the resolve of the 9th April, 1778, the commissary-general, his deputies, and purchasing assistants, are allowed three per cent. on all the monies received and expended by them in their respective departments. At the date of the first resolve, the value of continental money, compared with specie, was at 56 79-90ths per 100; at the date of the second, it was 47 86-90ths. If, therefore, a specie commission, agreeably to the value of continental money when the commission was fixed, is allowed on the expenditures above stated, the sum due under that head to the late general Greene, and his two principal assistants, would be

	<i>Specie Dollars.</i>	511,428
To Colonel Wadsworth and the officers		
under him,		1,140,162

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1,651,590

In the commission of the commissary-general's department,



ment, those of the subordinate officers are included, which is not the case in the first sum; but estimating the commissions due to officers of same condition, in the quartermaster's department, to about the same allowance (which will be found nearly the case) the aggregate of the commission account, on these two departments only, would be two million of specie dollars.—Whether or not the sum found due, by the state commissioner to Mr. Yates, is more than an adequate compensation for his services, whilst acting as loan-officer, the board do not take upon themselves to determine. From the circumstances stated in this report, Congress will judge, whether any further allowance will be proper; or whether it will be necessary to revise the adjustment of the said accounts, on the principles stated by the comptroller of the treasury. If, on such re-adjustment the amount of the commissions found due to Mr. Yates, should not be adequate, the United States in Congress (who are alone competent to this object) may make such further additional allowance as they may judge necessary, without giving a sanction to the establishment of a principle in the settlement of public accounts, which, in its consequences, may prove highly injurious to the interest of the United States.

On the question for committing the foregoing report, the yeas and nays being required by Mr. Mitchell,

New-Hampshire,	Mr. Gilman	no)*
Massachusetts,	Mr. Gorham	ay }
	Mr. King	ay } ay
	Mr. Dane	ay }
Connecticut,	Mr. Johnson	ay } ay
	Mr. Cook	ay }
New-York,	Mr. Smith	ay } ay
	Mr. Haring	ay }
New-Jersey,	Mr. Cadwallader	ay } ay
	Mr. Clark	ay }
Pennsylvania,	Mr. Sr. Clair	no } dd
	Mr. Irwine	ay }
Delaware,	Mr. Mitchell	ay)*
Maryland,	Mr. Ross	ay)*
		Vir.

Virginia,	Mr. Grayson	no	} no
	Mr. Madison	no	
	Mr. R. H. Lee	no	
	Mr. Carrington	no	
North-Carolina,	Mr. H. Lee	no	} ay
	Mr. Ashe	ay	
	Mr. Burton	ay	
South-Carolina,	Mr. Kean	ay	} ay
	Mr. Huger	ay	
	Mr. Butler	ay	
Georgia,	Mr. Few	ay	}*

So the question was lost.

W E D N E S D A Y, *October 10, 1787.*

Congress assembled---Present as yesterday.

A motion being made by Mr. Grayson, seconded by Mr. Huger,

That from and after the last day of December next, the public mail be conveyed from Petersburg in Virginia, by the route of Halifax, Tarborough, Fayetteville, Camden, and Columbia, to the town of Augusta in the state of Georgia, and that the post-master general make his contracts with the owners of the stage carriages accordingly :

On the question to agree to this, the yeas and nays being required by Mr. Few,

Massachusetts,	Mr. Gorham	no	} no
	Mr. King	no	
	Mr. Dane	no	
Connecticut,	Mr. Johnson	no	} no
	Mr. Cook	no	
New-York,	Mr. Smith	no	} no
	Mr. Haring	no	
New-Jersey,	Mr. Cadwallader	no	} no
	Mr. Clarke	no	
Pennsylvania,	Mr. St. Clair	no	} no
	Mr. Irwine	no	
	Mr. Armstrong	no	
Delaware,	Mr. Mitchell	no	}*

Mary =

Maryland,	Mr. Rofs	no)*
Virginia,	Mr. Grayson	ay
	Mr. Madison	ay
	Mr. R. H. Lee	ay
	Mr. Carrington	no
North-Carolina,	Mr. Ashe	ay
	Mr. Burton	ay
South-Carolina,	Mr. Kean	ay
	Mr. Huger	ay
	Mr. Butler	ay
Georgia,	Mr. Few	ay)*
So the question was lost.		

## THURSDAY, October 11, 1787.

Congress assembled---Present, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, and South-Carolina; and from New-Hampshire, Mr. Gilman, from Maryland, Mr. Rofs, and from Georgia, Mr. Few.

On motion of Mr. Dane, seconded by Mr. King,

*Resolved*, That the contract made by John Adams, esq. minister plenipotentiary in behalf of the United States of America, on the first day of June, 1787, for the loan of one million of guilders, be and it is hereby ratified.

*Resolved*, That three fair copies of the contract, with a ratification in the form of that agreed to on the first of February, 1785, mutatis mutandis endorsed on each copy, be made out and duly attested, and that the secretary for the department of foreign affairs transmit the same by several conveyances to Mr. J. Adams, minister plenipotentiary aforesaid.

The committee, consisting of Mr. Kean, Mr. Madison, Mr. Dane, Mr. Smith and Mr. Grayson, to whom was referred a report of the board of treasury and a motion of Mr. Kean, respecting the requisition for 1787, having reported, "That from the several papers referred to them, it appears that there is wanting for the services of the year 1787, the payment of one year's interest on the Foreign Debt, and such part of the principal as becomes due in the

year

year 1788, and the payment of one year's interest on the Domestic Debt, the sum of 3,009,798. 64-90 dollars.

"That of the aforesaid sum, 1,309,391. 64-90 is absolutely necessary in specie-- that there are considerable sums in specie due from the states over and above those which are necessary to discharge the existing demands on former requisitions, which sums are nearly equal to the payment of that part of the present requisition that is absolutely necessary in specie, and the objects for which the said sums were called for no longer existing, they may be now appropriated to the purposes of the present requisition---that in their opinion many difficulties have arisen from the restrictions made in former requisitions in the issuing of the indents of interests; the making them receivable only for the year in which they were issued, and then only when accompanied by a proportion of specie, and declaring that after a certain period they should not be received from the states at the federal treasury, all which have served to check the exertions of the states, and to keep back the specie payments; nor have they had those beneficial effects expected from them of stopping the issue of indents where states had not passed legislative acts to call them in, or keeping up their value and preventing depreciation, but on the contrary have opened a new scene of speculation in transferring the property of a citizen of a state which has not passed a legislative act, to a citizen of a state which has. In addition to this the committee observe, that the acts of Congress empowering the board of treasury to contract for the sale of Western territory, also empowers them to issue indents of interest to the purchasers, so that to continue such restriction would operate only to the injury of a few, and be no public benefit." Whereupon,

*Resolved*, That for the services of the year 1787, for the payment of one year's interest on the Foreign Debt, and such part of the principal as becomes due in the year 1788, and for the payment of one year's interest on the Domestic Debt, it will be necessary that three millions and nine thousand seven hundred and ninety-eight sixty-four-ninetieths dollars be paid into the treasury of the United States

States on or before the first day of July next, to be appropriated to the following purposes, viz.

For the civil department,	124,161. 85
Military department,	176,757. 17
Geographer's department,	9,964
Invalid pensions,	88,000
Contingencies,	19,000

Foreign debt for the payment  
of interest on the French and  
Dutch loans, and two instal-  
ments of principal on the  
French loans, becoming due

1788, - - - 871,612. 87

Spanish loan, one year's inter-  
est due thereon, 8,700

Debt due to foreign officers,  
one year's interest thereon, 11,183. 55

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891,508. 52

Domestic debt, one year's in-  
terest thereon, 1,700. 407

---

Making in the whole, dollars 3,009,738. 64

*Resolved*, That the sums called for in the years 1784, 1785, and 1786, and stated by the board of treasury not now to be necessary, the objects for which they were called for no longer existing, which sums amount to one million two hundred thousand dollars, be now appropriated to the payment of that part of the present requisition which cannot be discharged but with specie; any thing in former requisitions to the contrary notwithstanding: and shall be applied in conformity with the several appropriations in the preceding part of this report, giving preference according to the order in which they are stated in the estimate.

*Resolved*, That one hundred and nine thousand three hundred and ninety-one dollars sixty-four ninetieths, in the hands of the commissioners of loans in Holland, in aid of the above sum, be appropriated for the discharging the interest

interest due on the Foreign Debt due in Holland, and to no other purpose whatever."

As 1,700,407 dollars called for are to be applied to the payment of the interest due on the Domestic Debt of the United States.

*Resolved*, That the several states be allowed to discharge the same by indents for interest on loan-office certificates, and upon other certificates of the liquidated debts of the United States, *in such manner as they judge most expedient*; and to ascertain the evidences of interest due on loan-office certificates, the holders thereof respectively shall be at liberty to carry them to the office from which they issued, and the holders of other certificates of liquidated debts of the United States, to carry the same to the loan-office of that state wherein they are inhabitants, or, if foreigners, to any loan-office within the United States, and to have the interest thereon settled and certified to the last day of the year 1786; any thing in the requisitions for the years 1784, 1785 and 1786, to the contrary notwithstanding.

*Resolved*, That the quotas of the several states, of the aforesaid sum of 1,700,407 dollars in indents be as follows, viz.

New-Hampshire,	59,684
Massachusetts,	254,381
Rhode-Island,	36,558
Connecticut,	149,976
New-York,	145,555
New-Jersey,	94,372
Pennsylvania,	232,616
Delaware,	25,506
Maryland,	160,349
Virginia	290,770
North-Carolina,	123,450
South-Carolina,	108,996
Georgia,	18,194 is 1,700,407

That the foregoing requisition when paid, shall be passed to the credit of the states respectively, on the terms prescribed by the resolve of Congress of the 6th day of October, 1779.

Re-

*Resolved*, That the board of treasury furnish the several loan-officers with indents, to be issued for interest as aforesaid, and also with such checks and instructions as they from time to time shall judge necessary, to prevent counterfeit certificates of debts from obtaining a settlement of interest, and to detect counterfeit evidences of interest, and thereby to avoid receiving them in discharge of taxes ; which indents of interest being parted with by the holders of the principal, shall be deemed evidence that he has received satisfaction for the same, and therefore shall be receivable from the bearer in lieu of money in any other state in the union, as well as in the state in which they were issued.

That the state paying such indents of interest into the federal treasury, shall have credit therefor, which payment shall be considered as a discharge of the interest on the domestic debt, in the proportion that each state avails itself of the said indents of interest ; but no state shall have a right to pay more than its quota, as specified in the existing requisitions of Congress, in the said indents of interest.

*Resolved*, That the board of treasury be and they are hereby directed to transmit to each state, an account of their respective arrears in specie and in indents, to state to them the impediments that the public service has suffered, and the accumulation of foreign and domestic embarrassments that have arisen from their delinquency ; to press upon them the absolute necessity of their making payment of their arrears of specie, as it is the only fund on which Congress can rely for the support of the federal government ; and to remind those states who continue particularly delinquent, that they must be considered as responsible for all the evils which will inevitably flow from a disregard to the political obligations by which they are constitutionally bound.

*Resolved*, That such part of the requisitions of the year 1784, 1785, and 1786, as restricts the receipt at the public treasury of indents of interest without a certain proportion of specie ; those parts which declare that after a certain

certain day those states which have not paid their quotas, shall be held to pay the same in specie; and such part as prevents the receiving of the indents issued in one year, in payment of taxes for another, be, and they are hereby recalled:--And it is hereby declared that the indents issued in 1784, 1785, and 1786, or under the present requisition, shall be indiscriminately received in payment of any state's quota of indents of interest.

When the third resolution was under consideration, a motion was made by Mr. Clarke, seconded by Mr. Cadwallader, to strike out the words "in such manner as they judge most expedient," and in lieu thereof to insert "or in such other manner as they or any of them may judge most expedient, provided the same shall be satisfactory to the creditors of the United States who may be affected thereby."

A motion was made by Mr. Grayson, seconded by Mr. R. H. Lee, to amend the amendment, by adding thereto the words "and provided there be no discrimination made between the citizens of one state and another and foreigners," and on the question to agree to the amendment on the amendment, the yeas and nays being required by Mr. Grayson,

New Hampshire,	Mr. Gilman	ay)*
Massachusetts,	Mr. King	no }
	Mr. Dane	no } no
Connecticut,	Mr. Johnson	no }
	Mr. Cook	ay } dd
New-York,	Mr. Smith	no }
	Mr. Haring	no } no
New-Jersey,	Mr. Cadwallader	no }
	Mr. Clarke	no } no
Pennsylvania,	Mr. St. Clair	no }
	Mr. Irvine	no }
	Mr. Bingham	no } no
	Mr. Armstrong	no }
Delaware,	Mr. Kearney	no }
	Mr. Mitchell	no } no
Maryland,	Mr. Ross	ay)*

Vir-



Virginia,	Mr. Grayson	ay	} ay
	Mr. Madison	ay	
	Mr. R. H. Lee	ay	
	Mr. Carrington	ay	
North-Carolina,	Mr. Ashe	ay	} ay
	Mr. Burton	ay	
South-Carolina,	Mr. Kean	ay	} ay
	Mr. Huger	ay	
	Mr. Butler	ay	
Georgia,	Mr. Few	ay	)*

So the question was lost.

On the question to agree to the motion for amendment, the yeas and nays being required by Mr. Clarke,

New-Hampshire,	Mr. Gilman	no	)*
Massachusetts,	Mr. King	no	} no
	Mr. Dane	no	
Connecticut,	Mr. Johnson	no	} no
	Mr. Cook	no	
New-York,	Mr. Smith	no	} no
	Mr. Haring	no	
New-Jersey,	Mr. Cadwallader	no	} dd
	Mr. Clarke	ay	
Pennsylvania,	Mr. St. Clair	no	} ay
	Mr. Irvine	ay	
	Mr. Bingham	ay	
	Mr. Armstrong	ay	
Delaware,	Mr. Kearney	no	} no
	Mr. Mitchell	no	
Maryland,	Mr. Ross	no	)*
Virginia,	Mr. Grayson	no	} no
	Mr. Madison	no	
	Mr. R. H. Lee	no	
	Mr. Carrington	no	
	Mr. H. Lee	no	
North-Carolina,	Mr. Ashe	no	} no
	Mr. Burton	no	
South-Carolina,	Mr. Kean	no	} no
	Mr. Huger	no	
	Mr. Butler	no	
Georgia,	Mr. Few	no	)*

So the question was lost.

When

When the quotas of the states were under consideration, a motion was made by Mr. Kearney, seconded by Mr. Mitchell, to deduct from the quota of Delaware, and add to that of Georgia the sum of 3506 dollars; and on the question to agree to this motion, the yeas and nays being required by Mr. Kearney,

New-Hampshire,	Mr. Gilman	ay)*
Massachusetts,	Mr. Gorham	ay
	Mr. King	no } ay
Connecticut,	Mr. Lane	ay
	Mr. Johnson	no } dd
	Mr. Cook	ay
New-York,	Mr. Smith	ay
	Mr. Haring	no } dd
New-Jersey,	Mr. Cadwallader	ay
	Mr. Clark	ay } ay
Pennsylvania,	Mr. St. Clair	ay
	Mr. Irvine	ay
	Mr. Bingham	ay } ay
	Mr. Armstrong	ay
Delaware,	Mr. Kearney	ay
	Mr. Mitchell	ay } ay
Maryland,	Mr. Rofs	ay)*
Virginia,	Mr. Grayson	ay
	Mr. Madison	ay
	Mr. R. H. Lee	ay } ay
	Mr. Carrington	ay
North-Carolina,	Mr. H. Lee	no
	Mr. Ashe	ay } ay
	Mr. Burton	ay
South-Carolina,	Mr. Kean	no
	Mr. Huger	ay } no
	Mr. Butler	no
Georgia,	Mr. Few	no)*

So the question was lost.

On motion of Mr. Smith, seconded by Mr. King,

*Resolved*, That it be, and it is hereby recommended to the state of New-York, to pay to Donald Campbell the sum of two thousand dollars, on account of a debt specified

fied to be due to him from the United States by the resolve of the 31st day of July last, taking care that he be charged in the books of the treasury with the sum paid him by the state, and that then the said state be entitled to a credit with the United States, for the sum paid on its specie proportion of the requisitions of Congress.

Congress took into consideration the report of a committee consisting of Mr. Smith, Mr. Dane, Mr. Johnson, Mr. Carrington, and Mr. Clarke, to whom had been committed a report of the board of treasury, on a letter of the 18th of July, from capt. John Paul Jones, together with a report of the commissioner of accounts for the marine department, relative to the division of the prize money due to the officers and crew of the *Bon Homme Richard*, and *Alliance*, and the charges of capt. Jones for recovering the same.

And the report having been postponed, and the following motion made by Mr. Carrington, under consideration, viz.

“Whereas it having been represented to the United States in Congress assembled, that large sums of prize money were due in Europe to the officers and crews of the squadron commanded by capt. John Paul Jones, in the late war, and that from the circumstances under which that property was, as well as the inability of the claimants individually, to recover their respective shares, the interference of the sovereignty in their behalf had become necessary; it was, on the first of November, 1783, Resolved, that the said capt. John Paul Jones be recommended to the minister plenipotentiary of the United States, at the court of Versailles, as agent to solicit, under the direction of the said minister, for payment and satisfaction to the officers and crews, for all prizes taken in Europe under his command, and to which they were any wise entitled; and that the said capt. John Paul Jones, should receive the commissions usually allowed in such cases, out of the money which he should recover, as agent for the said prizes, in full compensation for his services and expences:”  
And it now appearing to Congress, that the said capt.  
John

John Paul Jones, did, without loss of time, repair to France for the purpose of carrying into effect the objects of his appointment, so far as they were within that kingdom; that finding that M. Le Ray du Chaumont, in whose hands the greatest part of the said prize money had been placed, had become insolvent, he was reduced to the necessity of abandoning so much of the property as lost, or turning his views upon the court of France, whose interposition alone could reinstate it; that the said capt. John Paul Jones did make application to, and obtain from the said court, a settlement and payment of the prize money due from M. Chaumont. It further appearing that the said capt. Jones's attendance at the court of France for obtaining this payment, has necessarily continued several years, and exposed him to very great expence, without which it is probable he would not have succeeded; and although the terms upon which he originally undertook the negotiation were for the usual commissions, yet, as the business was found to stand upon ground materially different from that which was contemplated by either Congress or the said capt. Jones, at the time of his appointment, it is just and reasonable that the full value of the services and expences which he has necessarily incurred for the benefit of the claimants, be deducted from the property recovered---therefore, Resolved, that the said capt. John Paul Jones, be, and hereby is authorized to retain in his hands, out of the prize money received from the court of France, for the officers and crews of the squadron under his command in the late war, the sum of 47,972. 11 livres, which, it appears by his oath, were expended by him during his attendance at the court of France, for the purpose of obtaining the said payment; and that this be in full for his time and expences.

A motion was made by Mr. H. Lee, seconded by Mr. Grayson, to postpone the consideration of the said motion, in order to take up the following, viz.

That the excess of monies expended by the chevalier Jones, above the commission allowed by the resolution of the 1st November, 1783, while acting as agent, under the  
author-

authority of Congress, for the officers and crews of his late Squadron, be paid out of the federal treasury, and that the board of treasury take order accordingly.

And on the question to postpone for the purpose above-mentioned, the yeas and nays being required by Mr. Grayson,

New-Hampshire,	Mr. Gilman	no)*	
Massachusetts,	Mr. Gorham	no	} no
	Mr. King	no	
	Mr. Dane	ay	
Connecticut,	Mr. Johnson	no	} no
	Mr. Cook	no	
New-York,	Mr. Smith	ay	} dd
	Mr. Haring	no	
New-Jersey,	Mr. Cadwallader	no	} no
	Mr. Clarke	no	
Pennsylvania,	Mr. St. Clair	no	} no
	Mr. Irvine	no	
	Mr. Bingham	no	
Delaware,	Mr. Kearney	no	} no
	Mr. Mitchell	no	
Maryland,	Mr. Ross	no)*	
Virginia,	Mr. Grayson	ay	} dd
	Mr. Madison	no	
	Mr. Carrington	no	
	Mr. H. Lee	ay	
North-Carolina,	Mr. Ashe	no	} no
	Mr. Burton	no	
South-Carolina,	Mr. Kean	no	} no
	Mr. Huger	no	
	Mr. Butler	no	

So it passed in the negative.

And, on the question to agree to the motion of Mr. Carrington, the yeas and nays being required by Mr. Dane,

New-Hampshire,	Mr. Gilman	ay)*	
Massachusetts,	Mr. Gorham	ay	} ay
	Mr. King	ay	
	Mr. Lane	no	
Connecticut,	Mr. Johnson	no	} no
	Mr. Cook	no	
	A a		New*

New-York,	Mr. Smith	no	}	no
	Mr. Haring	no		
New-Jersey,	Mr. Cadwallader	ay	}	ay
	Mr. Clark	ay		
Pennsylvania,	Mr. St. Clair	ay	}	ay
	Mr. Irvine	ay		
	Mr. Bingham	ay	}	ay
Delaware,	Mr. Kearney	ay		
	Mr. Mitchell	ay	}	ay
Maryland,	Mr. Ross	ay		
Virginia,	Mr. Grayson	no	}	dd
	Mr. Madison	ay		
	Mr. Carrington	ay		
	Mr. H. Lee	no		
North-Carolina,	Mr. Ashe	ay	}	ay
	Mr. Burton	ay		
South-Carolina,	Mr. Kean	ay	}	ay
	Mr. Huger	ay		
	Mr. Butler	ay		

So the question was lost.

Congress then resumed the consideration of the report of the committee, and thereupon

*Resolved*, That the quotas assigned to the several ships which were under the command of capt. John Paul Jones, in Europe, by direction of the court of France, be confirmed and considered as valid, and that a distribution of the prize money be made amongst the crews of the said ships, separately, agreeably to such quotas.

*Resolved*, That the monies paid by capt. John Paul Jones, into the hands of the honorable Thomas Jefferson, be distributed by the board of treasury as soon as may be, among the captors, agreeably to the division made thereof under the direction of the court of France.

F R I D A Y, October 12, 1787.

Congress assembled---Present as yesterday.

On a report of the board of treasury, to whom was referred a letter from the honorable Mr. J. Adams, of the

24th February last, together with an account of Mr. Richard Harrifon, of Cadiz,

*Resolved*, That the board of treasury take order for reimbursing to Mr. Richard Harrifon, merchant, of Cadiz, the sum of three hundred and thirty-one dollars, and one quarter of a dollar, being the amount of his advances for the maintenance of the captain and crew of the ship Betsey, James Erwing, commander, whilst detained by the Moors, and for provision for subsisting the crew on their passage to America.

On a report of the board of treasury, to whom was referred a memorial of the Canadian refugees on Lake Champlain, praying for a continuance of the supply of public provisions :

*Resolved*, That such of the aged and infirm amongst the said Canadians as may not be able to provide for the subsistence of themselves and families, be supplied for the space of twelve months with rations, at the public expence, (excepting the articles of rum, soap, and candles, agreeably to such a return of persons coming under the above description, as shall be made to the board of treasury by the secretary at war.

On motion of Mr. King, seconded by Mr. H. Lee,

*Resolved*, That Congress proceed to the election of a minister plenipotentiary to reside at the court of France, and that his commission commence from the expiration of the present commission of the honorable Thomas Jefferson, and continue in force for the term of three years, unless sooner revoked by Congress.

Congress accordingly proceeded to the election, and the ballots being taken,

The honorable Thomas Jefferson, was elected.

Congress resumed the consideration of the report of the committee, relative to Indian affairs in the northern department,

And on motion of Mr. King, seconded by Mr. Kean,

*Resolved*, That twenty thousand dollars be, and hereby are appropriated for the purpose of Indian treaties, whenever the same shall be hereafter judged necessary by a majority.

majority of the United States in Congress assembled, and that the resolutions for holding a general treaty with the Indians, passed the fifth of the present month, be, and they are hereby repealed.

S A T U R D A Y, *October 13, 1787.*

Congress assembled--Present, Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, and South-Carolina; and from New-Hampshire, Mr. Gilman, from Connecticut, Mr. Cook, from Maryland, Mr. Ross, and from Georgia, Mr. Few.

On a report of the board of treasury, to whom was referred a petition of Edward Cooper and William Ballard,

*Resolved,* That the claim of Cooper and Ballard, of the state of Virginia, be referred for examination and final adjustment, to the commissioner of accounts for the marine department.

On a report of the secretary for foreign affairs, to whom was referred a letter to him from the minister of the United Netherlands, enclosing a note of the same date, complaining of an act of the legislature of the commonwealth of Virginia, exempting French brandies imported in French and American vessels from certain duties to which the like commodities imported in Dutch vessels are left liable, as being contrary to the 2d article in their treaty with the United States, stipulating that they shall be treated as the most favored nation :

*Resolved,* That whenever any of these states shall think proper to grant a favor to any foreign nation, such state ought to extend it to such other foreign nations, as by treaties with the United States, are to be treated as the most favored nation.

*Resolved,* That a copy of the above resolution, and of the representation of the minister of the United Netherlands, be transmitted to the commonwealth of Virginia, to the end that the legislature of that commonwealth may take the earliest opportunity of revising the act of which the said minister complains, and rendering the same perfectly



feetly consistent with the treaty subsisting between the United States and the United Netherlands, and of causing to be repaid whatever extra duties may, in virtue of the said act be exacted on the brandies there imported in Dutch vessels, during the operation of the same.

M O N D A Y, *October 15, 1787.*

Congress assembled.--Present, Massachusetts, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, and South Carolina; and from New-Hampshire, Mr. Gilman, from Rhode-Island, Mr. Vernon, from Connecticut, Mr. Cook, from Maryland, Mr. Rofs, and from Georgia, Mr. Few.

On motion of Mr. H. Lee, seconded by Mr. Carrington, *Resolved*, That the postmaster-general be and he is hereby authorized to contract for the transportation of the mail for the year 1788, by stage carriages or horses, as he may judge most expedient and beneficial; provided that preference is given to the transportation by stages, to encourage this useful institution, when it can be done without material injury to the public, and that the mail be conveyed three times per week from the first of May to the first of November, and twice a week from the first of November to the first of May, from Portland in Massachusetts, to Suffolk in Virginia; and twice a week from the first of May to the first of November, and once a week from the first of November to the first of May, from Suffolk to Savannah in Georgia.

On motion,

*Resolved*, That the post-master general be, and he is hereby authorized to alter the route from Petersburg in Virginia to Savannah in Georgia, to Augusta in Georgia; provided he may judge it beneficial and expedient, and that in case of such alteration he establish cross-roads, agreeably to the principles provided in the resolve of the 15th of February, 1787, to the commercial towns on the sea coast.

T U E S-

TUESDAY, October 16, 1787.

Congress assembled---Present as yesterday.

On motion of Mr. H. Lee,

*Resolved*, That Congress proceed to the election of the judges for the western territory, and the commissioners for settling the accounts between the United States and the individual States.

Accordingly, Congress proceeded to the election of the judges, and the ballots being taken,

Samuel Holden Parsons, esq.

John Armstrong, jun. esq.

James Mitchell Varnum, esq. were elected.

Congress proceeded to the election of commissioners, but not coming to a choice, the election was postponed 'till the morrow.

On motion of Mr. Carrington,

*Resolved unanimously*, That a medal of gold be struck and presented to the chevalier John Paul Jones, in commemoration of the valor and brilliant services of that officer, in the command of a squadron of French and American ships, under the flag and commission of the United States, off the coast of Great-Britain, in the late war; and that the honorable Mr. Jefferson, minister plenipotentiary of the United States at the court of Versailles, have the same executed with the proper devices.

*Resolved*, That a letter be written to his most christian majesty, informing him, that the United States in Congress assembled, have bestowed upon the chevalier John Paul Jones, this medal, as well in consideration of the distinguished marks of approbation, which his majesty has been pleased to confer upon that officer, as, from a sense of his merit: And, that, as it is his earnest desire to acquire greater knowledge in his profession, it would be acceptable to Congress, that his majesty, would be pleased to permit him to embark with his fleets of evolution, convinced that he can no where else so well acquire that knowledge which may hereafter render him more extensively useful.

*Ordered*,

*Ordered*, That the secretary for foreign affairs prepare a letter for the above purpose, to be signed by the president; and that the chevalier Jones be the bearer of the said letter.

W E D N E S D A Y, October 17, 1787.

Congress assembled--Present, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, and South-Carolina; and from New-Hampshire, Mr. Gilman, from Massachusetts, Mr. Daine, from Maryland, Mr. Ross, and from Georgia, Mr. Few.

On motion of Mr. Irvine, seconded by Mr. Carrington,

*Resolved*, That the board of treasury be, and they are hereby authorized and directed to dispose of for specie or public securities, such of the public buildings at Carlisle in Pennsylvania, as in the opinion of the secretary at war are no longer necessary to be occupied by the United States, on the best terms that can be obtained.

T H U R S D A Y, October 18, 1787.

Six states only attending, namely, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina, and South-Carolina; and from New-Hampshire, Mr. Gilman, from Rhode-Island, Mr. Varnum, from New-York, Mr. Haring, from Maryland, Mr. Ross, and from Georgia, Mr. Few; the president adjourned Congress till to-morrow, eleven o'clock.

F R I D A Y, October 19, 1787.

Six states only attending as yesterday, the president adjourned Congress till eleven o'clock to-morrow.

S A T U R D A Y, October 20, 1787.

Congress assembled--Present, New-York, New-Jersey, Pennsylvania, Delaware, Virginia, North-Carolina,  
and

and South-Carolina ; and from New Hampshire, Mr. Gilman, from Massachusetts, Mr. Dane, from Rhode-Island, Mr. Varnum, and from Georgia, Mr. Few.

On the report of a committee consisting of Mr. Grayson, Mr. Clarke, and Mr. Ross, to whom was referred a motion for a representation to the states of North-Carolina and Georgia, on the subject of surrendering a liberal portion of their territorial claims,

*Resolved*, That it be, and it is hereby represented to the states of North-Carolina and Georgia, that the lands which have been ceded by the other states in compliance with the recommendation of this body, are now selling in large quantities for public securities ; that the deeds of cession from the different states have been made without annexing an express condition that they should not operate until the other states under like circumstances, made similar cessions ; and that Congress have such faith in the justice and magnanimity of the states of North-Carolina and Georgia, that they only think it necessary to call their attention to these circumstances, not doubting but upon consideration of the subject, they will feel those obligations which will induce similar cessions, and justify that confidence which has been placed in them.

On a report of the secretary of the United States for the department of foreign affairs, to whom was referred a letter of the second of this present month October, from P. Bond, esq. enclosing a commission from his Britannic majesty, constituting George Miller, esq. his consul and deputy commissary in the states of North-Carolina, South-Carolina, and Georgia :

Whereas George Miller, esq. has communicated to the United States in Congress assembled, a commission in due form, bearing date the 5th day of January, 1787, from his Britannic majesty, constituting him the consul of his said majesty, in the states of North-Carolina, South-Carolina, and Georgia ; and although no commercial treaty or convention subsists between his majesty and the United States, whereby either have a perfect right to establish consuls or commissaries in the dominions of the other, yet,

as

as the United States are disposed, by every proper mark of liberality and attention, to promote a good correspondence between the two countries, and particularly as amicable negotiations are now depending between them,--therefore,

*Resolved*, That the said George Miller be, and he is hereby received and recognized as the consul of his Britannic majesty, throughout the states of North-Carolina, South-Carolina, and Georgia, and that his commission be recorded in the secretary's office.

*Resolved*, That all the privileges, pre-eminences and authority which the laws of nations and of the land give a consul received by the United States, from any nation with whom they have no commercial treaty or convention, are due, and shall be enjoyed by the said George Miller, as consul for the three states above-mentioned, and that certified copies of these resolutions be transmitted to the executives thereof for their information.

On motion of Mr. Kean, seconded by Mr. H. Lee,

*Ordered*, That the secretary of Congress report the form of a commission for the governor, the secretary, and the judges of the western territory.

On motion of Mr. Carrington, seconded by Mr. Irving,

*Resolved*, That the post-master general be, and he is hereby authorized and instructed to alter the present rates of postage so as to reduce them as nearly twenty-five per centum, as will consist with the present mode of calculating penny-weights and grains of silver, in order to reduce them to the currencies of the several states, and that he make the necessary arrangements so that the new rates may take place on the fifth day of April next.

And whereas large packets would frequently be sent by post, if a proportionably less rate of postage were charged for them than for letters,

*Resolved*, That the post-master general be, and he is hereby authorized to fix such rates per pound weight, for the carriage of such packets as he may judge will be most likely to induce persons to send such by post.

M O N.

MONDAY, *October 22, 1787.*

Congress assembled---Present as before.

On the report of a committee consisting of Mr. Carrington, Mr. King, Mr. Dane, Mr. Madison, and Mr. Cook, to whom was referred a letter of the secretary at war, of the 26th of April last,

*Resolved*, That a million of acres of land, to be bounded east by the seventh range of townships, south by the land contracted for by Cutler and Sargent, and to extend north as far as the ranges of townships, and westward so far as to include the above quantity; also, a tract to be bounded as follows, beginning at the mouth of the river Ohio, thence up the Mississippi to the river Au Vause; thence up the same until it meets a west line from the mouth of the little Wabash; thence easterly with the said west line to the great Wabash; thence down the same to the Ohio, and thence with the Ohio to the place of beginning, be reserved and set apart for the purpose of satisfying the military bounties due to the late army, and that no locations, other than for the said bounties, be permitted within the said tract, until they shall be fully satisfied.

That the secretary at war take measures for ascertaining the existing claims for such bounties, and that the geographer proceed to have the same surveyed under the direction of the secretary at war, agreeably to the terms upon which they have been promised.

On motion of Mr. H. Lee, seconded by Mr. Irwine,

*Resolved*, That the governor of the western territory be, and he is hereby empowered to hold a general treaty with the adjacent Indian tribes in the ensuing spring, if in his judgment the public good requires it, and that he be authorized to draw for such sums of the money appropriated by the resolve of Congress of the 12th inst. as may be necessary to effect this object, not exceeding in the whole the sum of fourteen thousand dollars.

TUESDAY, *October 23, 1787.*

Congress assembled---Present as before.

On

On motion of Mr. Dane, seconded by Mr. H. Lee,

*Resolved*, That the board of treasury be directed to defend the suit of Colbreath and others, against A. Lee and others, late commissioners for treating with the Indian nations.

On the report of a committee, consisting of Mr. Kean, Mr. Clark and Mr. Grayson, to whom were referred draughts of commissions, for the governor, the secretary, and the judges, of the territory of the United States, north-west of the river Ohio,

*Resolved*, That the following forms be adopted.

#### FOR THE GOVERNOR.

The United States in Congress assembled, to A. S. Esq.

WE, reposing special trust and confidence in your integrity, prudence and ability, have constituted and appointed, and by these presents, do constitute and appoint you the said A. S. governor, in, and over the territory of the United States of America, north-west of the river Ohio, and commander in chief of the militia therein; to order, rule, and govern the same, conformably to the ordinance of the 13th July, 1787, entitled "An ordinance, for the government of the territory of the United States, north-west of the river Ohio," which is hereto affixed: And we do hereby, give, and grant, to you, the said A. S. all the powers, authorities, and prerogatives assigned to the governor of the said territory, in, and by the said ordinance. And we do strictly enjoin all persons to pay due obedience to this our commission. This commission to take effect, from the first day of February, 1788, and to continue in force, for the term of three years, thereafter, unless sooner revoked by Congress. In testimony, &c.

#### FOR THE SECRETARY.

The United States in Congress assembled, to W. S. Esq.

WE, reposing special trust and confidence in your fidelity, diligence and integrity, have constituted and appointed, and, by these presents, do constitute and appoint, you, the said W. S. secretary, in, and for the territory of the United States north-west of the river Ohio, to execute and

P. 17

perform all the duties directed by the ordinance of the 13th July, 1787, entitled, "An ordinance for the government of the territory of the United States north-west of the river Ohio," which is hereto annexed; giving to you the said W. S. all the powers and authorities assigned to the secretary of the said territory in and by the ordinance aforesaid, and we do enjoin all persons to pay due obedience to this our commission. This commission to take effect from the first day of February, 1788, and to continue in force for the term of four years thereafter, unless sooner revoked by Congress. In testimony, &c.

#### FOR THE JUDGES.

The United States in Congress assembled to

WE, reposing special trust and confidence in your wisdom, uprightness and integrity, have constituted and appointed, and by these presents do constitute and appoint you the said one of the judges in and over the territory of the United States north-west of the river Ohio, with full power and authority, in conjunction with one or more of the judges of the said territory, to form a court, with all the powers and authorities incident to a court having a common law jurisdiction, and to exercise all such powers, and perform and execute all the duties directed by the ordinance of the 13th July, 1787, entitled, "An ordinance for the government of the territory of the United States north-west of the river Ohio," which is hereto affixed; giving to you the said all the powers and authorities assigned to a judge of the said territory in and by the ordinance aforesaid; and we do enjoin all persons to pay due obedience to this our commission. This commission to continue and be in force during good behaviour, or during the existence of the government established by the ordinance aforesaid; you residing within the said territory. In testimony, &c.

On motion of Mr. Kean, seconded by Mr. H. Lee,

*Resolved*, That the board of treasury be, and they are hereby authorized and empowered to enter into contracts in behalf of the United States, with any person or persons  
for



for any quantity of land in the western territory, the Indian rights whereon have been extinguished, not less than one million of acres in one body, upon the same terms, as it respects price, payment and surveying, with those directed in the contract with M. Cutler, and W. Sargent, on the 23d and 27th of July last; provided that no tract contracted for shall have a front on the Ohio, Mississippi, Wabash or Illinois rivers exceeding one third of its depth from the said rivers; and provided that no gift of land be made for seminaries of learning or other purpose than those contained in the ordinance of the 20th May, 1785, except the quantity contained in any one contract shall contain a quantity greater or equal to the afore-mentioned contract of Cutler and Sargent, and that the said contract shall be in a state as described by the fifth article of the ordinance for the government of the territory of the United States, north-west of the river Ohio, passed the 13th of July, 1787, other than that wherein the contract of the said Cutler and Sargent is.

When the foregoing resolution was under debate, a motion was made by Mr. Grayson, seconded by Mr. Cadwalader, to postpone the consideration thereof in order to take up the following, viz. "That the board of treasury be authorized to enter into contracts with any person or persons for any quantity of land in the western territory, the Indian titles whereof have been extinguished, not less than one million of acres on similar terms and principles with those of the contracts heretofore entered into; provided that no tract of land thus contracted for, shall have a front on the Ohio, Miami, Wabash, or Mississippi, exceeding one third of its depth from the said rivers respectively."

And on the question to postpone for the purpose above-mentioned, the yeas and nays being required by Mr. Grayson,

New-Hampshire,	Mr. Gilman	ay)*
Massachusetts,	Mr. Dane	ay)*
Rhode-Island,	Mr. Varnum	ay)*
		New-

New-York,	Mr. Haring	no	} no
	Mr. Smith	no	
New-Jersey,	Mr. Cadwallader	ay	} dd
	Mr. Clarke	no	
Pennsylvania,	Mr. St. Clair	no	} no
	Mr. Irvine	no	
	Mr. Armstrong	no	} dd
Delaware,	Mr. Kearney	no	
	Mr. Mitchell	ay	} ay
Virginia,	Mr. Grayson	ay	
	Mr. Madison	ay	
	Mr. R. H. Lee	ay	
	Mr. Carrington	ay	} ay
North-Carolina,	Mr. Alhe	ay	
	Mr. Burton	ay	} dd
South-Carolina,	Mr. Kean	no	
	Mr. Hugex	ay	

So the question was lost.

W E D N E S D A Y, October 24, 1787.

Congress assembled---Present as before.

T H U R S D A Y, October 25, 1787.

Congress assembled---Present as before.

On a report of the board of treasury, to whom was referred a memorial of James Smith,

*Resolved*, That the commissioner for settling the accounts in the late commissary's department, be directed to ascertain the interest on the balance of principal by him found due to James Smith on the 24th November, 1784, from the time the said balance became due, to the 11th October, 1786, and to issue his certificate for the amount thereof in the usual form.

On motion of Mr. Smith in behalf of the committee to whom was referred a memorial of Baron Steuben,

*Ordered*, That the secretary of Congress write to general

General Washington for a copy of the papers enclosed in Mr. president Laurens's letter of the 19th February, 1778, marked "committee's conference with Baron Steuben."

Application being made by J. M. Pintard, praying that sea letters be granted respectively for the ship General Washington, burden 350 tons, now fitting out at Providence in the state of Rhode-Island, and owned by messrs. Brown, Francis, and Pintard; and for the ship Jay, now fitting out in the port of New-York, owned by citizens of the United States, and bound for India:

On motion of Mr. Smith, seconded by Mr. Clarke,

*Resolved*, That sea letters in the usual form be granted for the said vessels.

F R I D A Y, October 26, 1787.

Congress assembled---Present, the seven states as before, and from New-Hampshire, Mr. Gilman, and from Massachusetts, Mr. Dane.

On a report of the board of treasury, to whom was referred a memorial of Silvanus Townsend, Amos Underhill, and John Butler,

*Resolved*, That the commissioner for settling the accounts of the commissary general's department be authorized and directed to liquidate the claim of Silvanus Townsend, Amos Underhill and John Butler, against the United States, for a quantity of flour by them sold and delivered to Daniel Gray, late a purchasing commissary in the service of the United States, in the year 1776, the claimants attesting to the same in the manner in such cases usual, and to issue his certificate for the same; and that the amount of the sum so liquidated be charged to the said Daniel Gray.

On the report of a committee consisting of Mr. Kean, Mr. Clarke, and Mr. Grayson, to whom was referred a motion of Mr. H. Lee, with directions to report instructions for holding treaties with the northern and southern Indians,

*Resolved*, That the executive, or legislature if they be  
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in session, in the states of North-Carolina, South-Carolina, and Georgia, be and they are hereby authorized to appoint, each of them, one commissioner; who shall, in conjunction with the superintendant of Indian affairs for the southern department, or in his absence, by themselves negotiate a treaty for the establishing peace between the United States and the tribes of Indians in the southern department; and any two of the commissioners to be appointed as aforesaid, in conjunction with the superintendant, or in case of the absence of the superintendant, any two of the said commissioners agreeing, their decision shall be final and conclusive; and that the said commissioners shall each be allowed five dollars a day for the time they shall be employed in that business, in full for their services and expences, exclusive of their expences at the place or places where the treaties shall be held.

That the sum of six thousand dollars, being a part of the sum appropriated by the resolution of the twelfth of the present month, for holding Indian treaties, in addition to the goods in the hands of the former commissioners, for holding a treaty with the southern Indians, be applied to holding the said treaty, at such time and such places, as shall be appointed by the superintendant of Indian affairs, for the southern department, in conjunction with the executive of the state of North-Carolina, for the treaty with the Cherokees, and with the executive of Georgia, for that with the Creek nation; or, in case of the absence of the superintendant, then the time and place to be appointed by the executive of each state, in manner aforesaid. The aforesaid sum to be in full for all charges, of whatsoever nature they may be, relative to the said treaty, including the pay of the commissioners and militia; And, that the states of North-Carolina, South-Carolina and Georgia, be called on, to furnish the aforesaid sum in equal proportions, to be credited on requisitions of Congress.

That the commissioners aforesaid, be, and they hereby are authorized to apply to the states of North-Carolina, South-Carolina and Georgia, for any number of men, not exceed-

ing one hundred of their militia, for the purpose of guarding and protecting the stores and goods necessary for carrying on the said treaty.

*Resolved*, That if under the authority given the 22d day of the present month, to the governor of the territory of the United States north-west of the river Ohio, he shall think it expedient to hold a treaty with the Indian tribes in the northern department, he shall apply to the commanding officer of the troops of the United States for such a number of men as he may deem proper for guarding and protecting the stores and goods necessary for holding the said treaty; and the commanding officer of the troops of the United States shall cause the said number of men to be marched to such place, and at such time as shall be directed by the governor.

On motion of Mr. Dane, seconded by Mr. R. H. Lee;

*Ordered*, That the secretary of Congress inform the chevalier J. P. Jones, that the business relative to the prizes taken during the late war and sent to Denmark, is put under the management of the honorable Mr. Jefferson, minister of the United States at the court of Versailles, and that he furnish Mr. Jones with a copy of such part of the resolutions passed yesterday as respects the appointment of an agent by Mr. Jefferson, relative to the said prizes.

On motion of Mr. Few, seconded by Mr. Carrington,

*Ordered*, That the secretary of the United States for the department of foreign affairs, transmit one of the copper medals struck in honor of general Greene, to each of the said general's aids, who acted during his command in the southern department.

SATURDAY, October 27, 1787.

Congress assembled---Present as before.

On motion of Mr. Clarke, seconded by Mr. Kearney;

*Resolved*, That in case the governor of the western territory shall find it necessary to hold a treaty with the Indians

dians, as empowered by the resolution of the 22d inst. he conduct the same in conjunction with the superintendent of Indian affairs in the northern department, unless the attendance of the said superintendent shall be prevented by any unforeseen event.

M O N D A Y, *October 29, 1787.*

Five States assembled, namely, New-York, New-Jersey, Pennsylvania, Virginia, and North-Carolina; and from New-Hampshire, Mr. Gilman, and from South-Carolina, Mr. Huger.

T U E S D A Y, *October 30, 1787.*

Four States assembled.

The remainder of the week no house was formed.

# A P P E N D I X.

POWERS to the BOARD of TREASURY to Contract  
for the Sale of WESTERN TERRITORY.

THE report of a committee consisting of Mr. Carrington, Mr. King, Mr. Dane, Mr. Madison, and Mr. Benson, amended to read as follows, viz.

That the board of treasury be authorized and empowered to contract with any person or persons for a grant of a tract of land which shall be bounded by the Ohio, from the mouth of Scioto to the intersection of the western boundary of the seventh range of townships now surveying; thence by the said boundary to the northern boundary of the tenth township from the Ohio; thence by a due west line to Scioto; thence by the Scioto to the beginning, upon the following terms, viz. The tract to be surveyed and its contents ascertained by the geographer or some other officer of the United States, who shall plainly mark the said east and west line, and shall render one complete plat to the board of treasury, and another to the purchaser or purchasers. The purchaser or purchasers, within seven years from the completion of this work, to lay off the whole tract at their own expence, into townships and fractional parts of townships, and to divide the same into lots, according to the land ordinance of the 20th of May, 1785; complete returns whereof to be made to the treasury board. The lot No. 16, in each township or fractional part of a township, to be given perpetually for the purposes contained in the said ordinance. The lot No. 29, in each township or fractional part of a township, to be given perpetually for the purposes of religion. The lots No. 8, 11, and 26, in each township or fractional part of a township, to be reserved for the future disposition of Congress. Not more than two complete townships to be given perpetually for the purposes of an university.

verfity, to be laid off by the purchafer or purchafers, as near the centre as may be, fo that the fame fhall be of good land, to be applied to the intended object by the legiflature of the ftate. The price to be not lefs than one dollar per acre for the contents of the faid tract, excepting the refervations and gifts aforefaid, payable in fpecie, loan-office certificates reduced to fpecie value, or certificates of liquidated debts of the United States, liable to a reduction by an allowance for bad land, and all incidental charges and circumftances whatever; provided that fuch allowance fhall not exceed in the whole, one third of a dollar per acre. And in making payment the principal only of the faid certificates fhall be admitted, and the board of treafury, for fuch intereft as may be due on the certificates rendered in payment as aforefaid, prior to January 1, 1786, fhall iffue indents for intereft to the poffeffors, which fhall be receiveable in payment as other indents for intereft of the exifting requifitions of Congress; and for fuch intereft as may be due on the faid certificates between that period and the period of payment, the faid board fhall iffue indents, the payment of which to be provided for in future requifitions or otherwife. Such of the purchafers as may poffefs rights for bounties of land to the ftate army, to be permitted to render the fame in difcharge of the contract, acre for acre; provided that the aggregate of fuch rights fhall not exceed one feventh part of the land to be paid for, and provided alfo that there fhall be no future claim againft the United States on account of the faid rights. Not lefs than 500,000 dollars of the purchafe money to be paid down upon clofing of the contract, and the remainder upon the completion of the work to be performed by the geographer or other officer on the part of the United States. Good and fufficient fecurity to be given by the purchafer or purchafers for the completion of the contract on his or their part. The grant to be made upon the full payment of the confideration money, and a right of entry and occupancy to be acquired immediately for fo much of the tract as fhall be agreed upon between the board of treafury and the purchafers.

JULY 23, 1787.

Ordered, That the above be referred to the board of treafury to take order. [COPY.]



## [C O P Y.]

*New-York, July 26, 1787.*

*Gentlemen,*

WE observe by the act of the 23d inst. that your honorable board is authorised to enter into a contract for the sale of a tract of land therein described, on certain conditions expressed in the act. As we suppose this measure has been adopted in consequence of proposals made by us, in behalf of ourselves and associates, to a committee of Congress, we beg leave to inform you, that we are ready to enter into a contract for the purchase of the lands described in the act; provided you can conceive yourselves authorised to admit of the following conditions, which in some degree vary from the report of the committee, viz.

The subordinate surveys shall be completed as mentioned in the act, unless the frequency of Indian irruptions may render the same impracticable without an heavy expence to the company.

The mode of payment we propose, is half a million of dollars when the contract is executed; another half million when the tract as described is surveyed by the proper officer of the United States; and the remainder in six equal payments, computed from the date of the second payment.

The lands assigned for the establishment of a university to be nearly as possible in the centre of the first million and half of acres we shall pay for; for, to fix it in the centre of the proposed purchase, might too long defer the establishment.

When the second payment is made, the purchasers shall receive a deed for as great a quantity of land as a million of dollars will pay for, at the price agreed on; after which we will agree not to receive any further deeds for any of the lands purchased, only at such periods, and on such conditions as may be agreed on betwixt the board and the purchasers.

As to the security, which the act says shall be good and sufficient, we are unable to determine what those terms may mean in the contemplation of Congress, or of your hono-

honorable board ; we shall therefore only observe that our private fortunes, and that of most of our associates being embarked in the support of the purchase, it is not possible for us to offer any adequate security but that of the land itself, as is usual in great land purchases.

We will agree so to regulate the contract, that we shall never be entitled to a right of entry or occupancy, but on lands actually paid for, nor receive any deeds till our payments amount to a million of dollars, and then only in proportion to such payment. The advance we shall always be under without any formal deed, together with the improvements made on the lands, will, we presume, be ample security, even if it was not the interest as well as the disposition of the company, to lay the foundation of their establishment on a sacred regard to the rights of property.

If these terms are admitted, we shall be ready to conclude the contract.

We have the honor to be, with the greatest respect, for ourselves and associates, gentlemen, your obedient humble servants,

(Signed)

MANH. CUTLER.

WINTHROP SARGENT.

The honorable the }  
Board of Treasury. }

Compared with the original in the office of the board of treasury,

(Signed)

WM. DUER, Sec'y.

JULY, 27, 1787.

Ordered, That the above letter from Manh. Cutler, and Winthrop Sargent, to the board of treasury, containing proposals for the purchase of a tract of land, described in the act of Congress of the 23d inst. be referred to the board of treasury to take order ; provided that after the date of the second payment therein proposed to be made, the residue shall be paid in six equal and half yearly instalments, until the whole thereof shall be compleated, and that the purchasers stipulate to pay interest on the sums due from the completion of the survey to be performed by the geographer.

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A motion being made in the words following :

“Whereas the United States in Congress assembled have by their ordinance, passed the 20th of May, 1785, among other things ordained, that the towns of Gnadenhuetten, Schoenbrun, and Salem, on the Muskingum, and so much of the lands adjoining to the said towns with the buildings and improvements thereon, shall be reserved for the sole use of the christian Indians who were formerly settled there, or the remains of that society, as may, in the judgment of the geographer be sufficient for them to cultivate.”

*Resolved*, That the board of treasury except and reserve out of any contract that they may make for the tract described in the report of the committee which on the 23d inst. was referred to the said board to take order, a quantity of land around and adjoining each of the before-mentioned towns, amounting in the whole to ten thousand acres ; and that the property of the said reserved land be vested in the Moravian brethren, at Bethlehem in Pennsylvania, or a society of the said brethren, for civilizing the Indians and promoting christianity, in trust, and for the uses expressed as above in the said ordinance ; including Killbuck and his descendants, and the nephew and descendants of the late captain White-Eyes, Delaware chiefs, who have distinguished themselves as friends to the cause of America.”

*Ordered*, That the above be also referred to the board of treasury to take order.

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*To His Excellency the PRESIDENT of CONGRESS.*

The PETITION of *John Cleves Symmes*, of New-Jersey,  
*Sheweth*,

THAT your petitioner, encouraged by the resolutions of Congress of the 23d and 27th of July last, stipulating the condition of a transfer of federal lands on the Scioto and Muskingum rivers, unto Winthrop Sargent, and Manasseh Cutler, esqrs. and their associates, of New-England, is induced, on behalf of the citizens of the United States,

States, westward of Connecticut, who also wish to become purchasers of federal lands, to pray that the honorable the Congress will be pleased to direct that a contract be made by the honorable the commissioners of the treasury board, with your petitioner, for himself and his associates, in all respects similar, in form and matter, to the said grant made to Messrs. Sargent and Cutler, differing only in quantity and place where, and instead of two townships for the use of an university, that one only be assigned for the benefit of an academy.

That by such transfer to your petitioner and his associates, on their complying with the terms of sale, the fee may pass of all the lands, lying within the following limits, viz. Beginning at the mouth of the great Miami river, thence running up the Ohio, to the mouth of the little Miami river, thence up the main stream of the little Miami river, to the place where a due west line, to be continued from the western termination of the northern boundary line of the grant to Messrs. Sargent, Cutler and company, shall intersect the said little Miami river, thence due west, continuing the said western line, to the place where the said line shall intersect the main branch or stream, of the great Miami river, thence down the great Miami, to the place of beginning.

JOHN C. SYMMES.

New-York, 29th August, 1787.

OCTOBER 2, 1787.

*Ordered*, That the above petition be referred to the board of treasury, to take order.

THE subscribers, for themselves and associates, with great humility, propose to the United States, to contract for the purchase of the two following tracts of land, viz.

A tract of country, beginning at the junction of the little Wabash river, and running due west, sixty miles, thence due north, thirty miles, or to such distance, as a due east course will intersect the Wabash river, at the mouth of the White river, and continuing the same course, forty miles

miles due east of the Wabash, thence due fourth, to the river Ohio, thence down the same, along the different courses thereof, to the mouth of the Wabash, thence up the Wabash to the place of beginning at the mouth of the aforesaid little Wabash, so as to include two millions of acres.

Also a tract of country beginning at Cape Au Gras, on the east bank of the Mississippi, and running due north sixty miles, thence due east fifty miles, or until this course intersects the Illionois river; thence due south sixty-five miles, or to such distance as a due west course will reach the Mississippi, at the south side of the mouth of Wood river; thence up the different courses of the Mississippi, including all the islands near the eastern side of it, to the place of beginning at the aforesaid cape of Au Gras, so as to include one million of acres.

The terms of payment to be the same as agreed to by Congress on the application of John C. Symmes, of the 29th of August, 1787, with this exception, that in consideration of the proposers undertaking for themselves and associates, to make the necessary advances for the purchase of the Indian right of the said described tracts in the name and behalf, and under the authority and regulations of the United States, they shall have an allowance in the said contract of four compleat townships, in full compensation of all their trouble and expences on this account; and likewise that the payment of the first proportionate instalment shall only take place at the expiration of nine months after the purchase of the Indian right is effected, and notified to the United States in Congress.

(Signed)

ROYAL FLINT, } for themselves  
JOs. PARKER, } and associates.

New-York, October 18, 1787.

The board of treasury, to whom was referred the above proposal of Royal Flint and Joseph Parker, relative to the purchase of certain tracts of the western territory, report,

That

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That the said proposal is founded on the same principles as have been agreed to by Congress on the contracts of Messrs. Cutler and Sargent, and Mr. John C. Symmes, with these exceptions, viz. That the proposers offer on their part, and on their own advance, (to be hereafter compensated) to extinguish the Indian claim to the tracts which they propose to purchase; and that the proportionate instalments on the respective tracts should only be paid at nine months after the notification of the said Indian purchase being completed.

On the matter in reference, the board are of opinion, that if Congress should agree to the sale of the tracts described in the memorial, that it would be proper that the United States should extinguish the Indian claims to the said described tracts, should any exist.

That it would be further proper that the first proportionate payments on the respective tracts, should be made whenever the several contracts for the same should be completed, as in the case of other contracts; and that nothing in the said grants should affect any claims of individuals, which have been secured to them by the act of cession of the state of Virginia, or any act of Congress.

OCTOBER 22, 1787.

*Resolved*, That Congress agree to the above report, and that it, together with the proposal of Royal Flint, and Joseph Parker, be referred back to the board of treasury to take order.

CONTRACTS for MONIES borrowed in Europe.

*The UNITED STATES in CONGRESS assembled, to  
ALL who shall see these presents, send greeting.*

WHEREAS Benjamin Franklin, our minister plenipotentiary at the court of Versailles, in pursuance of the powers in him vested, did, on the sixteenth day of July, in the year of our Lord one thousand seven hundred and eighty-

eighty-two, with Charles Gravier de Vergennes, &c. counsellor of the king in all his councils, commander of his orders, minister and secretary of state, &c. vested with full powers of his most christian majesty for the purpose, enter into, conclude and sign a contract between his most christian majesty and the United States of North-America, in the words following, to wit.

A contract between the king and the Thirteen United States of North-America, entered into by the count de Vergennes and Mr. Franklin, 16th July, 1782:

The king having been pleased to attend to the requests made to him in the name, and on behalf of the United Provinces of North-America, for assistance in the war and invasion under which they had for several years groaned, and his majesty, after entering into a treaty of amity and commerce with the said confederated provinces on the 6th of February, 1778, having had the goodness to support them, not only with his forces by land and sea, but also with advances of money, as abundant as they were effectual in the critical situation to which their affairs were reduced. It has been judged proper and necessary to state exactly the amount of those advances, the conditions on which the king made them; the periods at which the Congress of the United States have engaged to repay them to his majesty's royal treasury, and in fine, to state this matter in such a way as for the future to prevent all difficulties capable of interrupting the good harmony which his majesty is resolved to maintain and preserve between him and the said United States. For executing so laudable a purpose, and with a view to strengthen the bands of amity and commerce which subsist between his majesty and the said United States, WE, Charles Gravier de Vergennes, &c. counsellor of the king in all his councils, commander of his orders, minister and secretary of state, and of his commands and finances, vested with full powers of his majesty to us given for this purpose; and WE, Benjamin Franklin, minister plenipotentiary of the United States of North America, in like manner vested with full powers of the Congress of the said states, for  
the

the present purpose, after duly communicating our respective powers have agreed to the following articles :

### A R T I C L E I.

IT is agreed and certified, that the sums advanced by his majesty to the Congress of the United States, under the title of a loan in the years 1778, 1779, 1780, 1781, and the present 1782, amount to the sum of eighteen millions of livres, money of France, according to the following twenty-one receipts of the above-mentioned under-written minister of Congress, given in virtue of his full powers, to wit.

1.	28 February, 1778,	750,000	
2.	19 May, Ditto,	750,000	
3.	3 August, Ditto,	750,000	
4.	1 Novemr. Ditto,	750,000	
		<hr/>	3,000,000
5.	10 June 1779,	250,000	
6.	16 Septemr, Ditto,	250,000	
7.	4 October, Ditto,	250,000	
8.	21 Decemr. Ditto,	250,000	
		<hr/>	1,000,000
9.	29 February, 1780,	750,000	
10.	23 May, Ditto,	750,000	
11.	21 June, Ditto,	750,000	
12.	5 October, Ditto,	750,000	
13.	27 Novemr. Ditto,	1,000,000	
		<hr/>	4,000,000
14.	15 February, 1781,	750,000	
15.	15 May, Ditto,	750,000	
16.	15 August, Ditto,	750,000	
17.	1 August, Ditto,	1,000,000	
18.	15 Novemr. Ditto,	750,000	
		<hr/>	4,000,000
19.	10 April, 1782,	1,500,000	
20.	1 July, Ditto,	1,500,000	
21.	5 Ditto. Ditto,	3,000,000	
		<hr/>	6,000,000
Amounting in the whole to eighteen			<hr/>
millions, viz.			18,000,000
			By



By which receipts the said minister has promised in the name of Congress, and in behalf of the Thirteen United States, to cause to be paid and reimbursed to the royal treasury of his majesty, on the first of January, 1788, at the house of his grand banker at Paris, the said sum of eighteen millions, money of France, with interest at five per cent. per annum.

## A R T I C L E II.

Considering that the payment of so large a capital, at the one stipulated period, the 1st of January, 1788, may greatly injure the finances of the Congress of the United States, and it may perhaps be even impracticable on that footing, his majesty has been pleased for that reason to recede in that respect from the tenor of the receipts which the minister of Congress has given for the eighteen millions livres Tournois, mentioned in the foregoing article, and has consented that the payment of the capital in ready money, at the royal treasury, be in twelve equal payments of 1,500,000 livres each, and in twelve years, only to commence from the third year after a peace.

## A R T I C L E III.

Although the receipts of the minister of the Congress of the United States, specify that the eighteen millions of livres above-mentioned are to be paid at the royal treasury, with interest at five per cent. per annum, his majesty being willing to give the said United States a new proof of his affection and friendship, has been pleased to make a present of, and to forgive the whole arrears of interest to this day, and from thence to the day of the date of the treaty of peace; a favor which the minister of the Congress of the United States acknowledges to flow from the pure bounty of the king, and which he accepts in the name of the said United States, with profound and lively acknowledgements.

## A R T I C L E IV.

The payment of the said eighteen millions of livres Tournois, shall be in ready money, at the royal treasury of his

his majesty at Paris, in twelve equal parts, and at the terms stipulated in the above second article. The interest of the said sum, at five per cent. per annum, shall commence with the date of the treaty of peace, and shall be paid at every period of the partial payments of the capital, and shall diminish in proportion with the payments. The Congress of the said United States being left, however, at liberty to free themselves sooner from this obligation by anticipated payments, in case the state of their finances will admit.

# A R T I C L E V.

Although the loan of five millions of florins, of Holland, agreed to by the states general of the United Provinces of the Netherlands, on the terms of the obligation passed on the 5th of November, 1781, between his majesty and the said states general, has been made in his majesty's name and guaranteed by him, it is nevertheless acknowledged by these presents, that the said loan was made in reality on account and for the service of the United States of North America, and that the capital, amounting at a moderate valuation to the sum of ten millions livres Tournois, has been paid to the said United States, agreeably to a receipt for the payment of the said sum, given by the under-signed minister of Congress, of the seventh day of June last.

# A R T I C L E VI.

By the convention of the said 5th day of November, 1781, the king has been pleased to promise, and engage to furnish and pay at the general counter of the states general of the Netherlands, the capital of the said loan, with the interest at four per cent. per annum, without any charge or deduction whatever to the lenders ; so that the said capital shall be wholly repaid after the space of five years, the payments to be made in ten equal periods, the first of which to commence the sixth year from the date of the loan, and afterwards from year to year, to the final payment of the said sum. But it is in like manner  
acknow-

acknowledged by this act, that this engagement was entered into by the king, at the request of the under-signed minister of the United States, and on the promise by him made in the name of Congress, and on behalf of the Thirteen United States, to cause to be reimbursed and paid at the royal treasury of his majesty at Paris, the capital, interest, and cost of the said loan, according to the conditions and terms fixed by the said convention of the 5th of November, 1781.

## A R T I C L E VII.

It is accordingly agreed and settled, that the sum of ten millions livres Tournois, being by a moderate computation, the principal of the loan of five millions of Holland florins above-mentioned, shall be reimbursed and paid in ready money at the royal treasury of his majesty, at Paris, with the interest at four per cent. per annum, in ten equal payments of one million each, and in ten terms, the first of which shall be on the 5th of November, 1787, the second the 5th of November, 1788, and so from year to year till the final payment of the said sum of ten millions; the interest lessening in proportion with the partial payments of the capital. But in consequence of the king's affection for the United States, his majesty has been pleased to charge himself with the expence of commissions and bank for the said loan, of which expences his majesty has made a present to the United States; and this their under-signed minister accepts with thanks in the name of Congress, as a new proof of his majesty's generosity and friendship for the said United States.

## A R T I C L E VIII.

With regard to the interest of the said loan, during the five years preceding the first term of payment of the capital, as the king has engaged to pay it at the general counter of the states general of the Netherlands, at the rate of four per cent. yearly and every year, counting from the 5th November, 1781, according to the convention of that day; the minister of Congress acknowledges that the  
repay-

repayment of that is due to his majesty, by the United States, and he engages in the name of the said United States to cause payment thereof to be made, at the same time, and at the same rate, at the royal treasury of his majesty; the first year's interest to be paid the 5th of November next, and so yearly during the five years preceding the first term for the payment of the capital, fixed as above, on the 5th of November, 1787.

The high contracting parties reciprocally bind themselves to the faithful observance of this contract, the ratifications of which shall be exchanged in the space of nine months from this day, or sooner, if possible.

*In Testimony whereof*, WE, the said plenipotentiaries of his most christian majesty, and of the Thirteen United States of North America, in virtue of our respective powers, have signed these presents, and thereunto fixed the seal of our arms.

DONE at Versailles, the sixteenth day of July, one thousand seven hundred and eighty-two.

(Signed) GRAVIER de VERGENNES. (L. S.)  
B. FRANKLIN. (L. S.)

*Now Know Ye*, that we the said United States in Congress assembled, impressed with a most lively sense of the generosity and affection manifested by his most christian majesty in the above contract, have ratified and confirmed, and by these presents do ratify and confirm the said contract, and every article and clause thereof. And we do hereby empower our minister plenipotentiary at the court of Versailles, to deliver this our act of ratification, in exchange for the ratification of the said contract on the part of his most christian majesty.

*In Testimony whereof*, we have caused our seal to be hereunto affixed; *witness*, His excellency ELIAS BOUDINOT, president, this twenty-second day of January, one thousand seven hundred and eighty-three, and of our sovereignty and independence the seventh.

A CON-

A CONTRACT entered into by the Honorable JOHN ADAMS, in behalf of the UNITED STATES, with Sundries, for a Loan of FIVE MILLIONS of FLORINS.

*Translation from the Dutch.*

Minuted on a Seal of 48 Stivers.

(Signed) V A N H O L E, Notary.

ON the eleventh day of June, in the year one thousand seven hundred and eighty-two, appeared before me Pieter Galenus Van Hole, notary of Amsterdamb, admitted by the honorable court of Holland,

The honorable John Adams, esquire, minister plenipotentiary on the part of the United States of America, by their high mightinesses the lords states general of the United Netherlands, &c. &c. in quality, as especially qualified and authorized by the above-mentioned States of America, in Congress assembled, for, and in behalf of the said States of America, to raise a loan with any person or persons, states or companies, with subjoined assurance in good faith to ratify and fulfil all that shall be done in this respect by him, honorable appearer, according to authentic copy and translation of the original commission or power exhibited to me, notary, and deposited in my custody, in behalf of the joint money lenders,

The honorable appearer residing in the Hague, but being now in this city.

And the honorable appearer acknowledged himself, in his aforesaid quality, and thus in the name and in behalf of the above-mentioned States of America, to be duly and lawfully indebted to, and in behalf of sundry persons, or money lenders, in all, a sum of one million of guilders, Dutch current money, arising from, and on account of so much ready money received by him, honorable appearer, in his aforesaid quality, to his perfect satisfaction, from the said money lenders, in consequence of the receipt hereafter mentioned, to be signed by the honorable appearer,

pearer, under the authentic copies hereof, expressly and formally disavowing the excuse of untold monies.

And the honorable appearer promised, in his aforesaid quality, to repay in this city, the said sum of one million of guilders, free from all costs, charges, and damages to the above-mentioned money lenders, or their assigns, at the expiration of fifteen years after the 1st day of June, 1782; and that in the following manner, to wit,

That the above-mentioned capital shall remain fixed during the space of ten years, and that with the eleventh year, and thus, on the first day of June, 1793, a fifth part, or two hundred thousand guilders of the said capital of one million, shall be redeemed, and in the same manner from year to year, until the the first day of June, 1797, inclusive; so that the whole capital shall be redeemed and discharged within the above-mentioned space of fifteen years.

And that for said capital, at first for the whole, and afterwards for the residue, at the expiration of every year, interest shall be paid at the rate of five percent. in the year, commencing the first day of June, 1782, and to continue until the final accomplishment, and that on coupons to be signed by, or for account of said honorable appearer, in his aforesaid quality.

That the above-mentioned redeeming shall be performed by drawing, in presence of a notary and witnesses in this city, after the expiration of the first mentioned ten years, in such a manner, that the Nos. of the obligations drawn, shall be by times made known in the public papers.

That the payment of the interests, as also the redeeming of the respective periods, shall be made at the computing-houses of the hereafter-mentioned gentlemen, directors, or at such other places within this city as shall likewise be advertised in the public papers.

That the directors of this negotiation shall be Messrs. Wilhelm et Jan Willink, Nicolaas et Jacob Van Staphorst, and De la Lande et Fynje, merchants of this city, who are by these presents, thereto named and appointed by the honorable appearer, in his aforesaid quality.

The

The honorable appearer promising and engaging in the names of his constituents, that the amount of the interests, and of the redeemings to be made from time to time of the said capital, shall be in due time remitted to the aforesaid gentlemen directors, their heirs or successors, in good bills of exchange, American products, or in ready money, without any abatement or deduction whatsoever.

That this obligation shall never be subject to any imposts or taxes already laid, or in time to come to be laid in the said United States of America, even in case (which God forbid) any war, hostilities or divisions should arise between aforesaid United States or any of them, on the one side, and the states of these Lands on the other, that the payment of the capital or interests of this obligation can in no wise, nor under any pretext whatsoever, be hindered or delayed.

The honorable appearer, in his aforesaid quality, promising and engaging moreover, for, and in the names of the said United States, that there shall never be made by them, or on their parts, or any of them in particular, any convention or treaty, public or private, at the making of peace or otherwise, by which the validity and accomplishment of these presents might be prejudiced, or whereby any thing contrary thereto might be stipulated, but that without any exception, the contents hereof shall be maintained in full force.

The honorable appearer, in his aforesaid quality, likewise promises, engages, and binds himself by these presents, that this engagement shall be ratified and approved as soon as possible, by said United States in Congress assembled, and that authentic copy translation of said ratification, with the original, shall be deposited in custody of me, notary, to be there kept with said authentic copy translation of the commission or power of him, honorable appearer, and the engrossed hereof, for the security of the money lenders, until the above-mentioned capital and interests as aforesaid, shall be redeemed and paid off.

And there shall be made of this act, (as the honorable appear-

appearer, in his aforesaid quality, consents) above and besides the above-mentioned engrossed, one thousand authentic copies, which shall be of the same force and value, and have the same effect as the engrossed one; under every one of which copies shall be placed a receipt of one thousand guilders, Dutch current money, either on name or in blank, at the choice of the money lenders, to be signed by him, honorable appearer, and which receipts shall be respectively numbered from No. 1, to 1000, inclusive, and countersigned by above-mentioned gentlemen directors, and duly attested by me, notary, as a testimony that no more than one thousand obligations are numbered in virtue of this act. All which authentic copies, with the receipts there under placed, shall, at the redeeming of the capital, be restored by the bearers.

On failure of prompt payment, as well of the capital as of the interests, at the appointed periods, the capital, or residue thereof, may be demanded by the gentlemen directors, in behalf of the money lenders, who shall be then interested therein; and the aforesaid principals and committents of him, honorable appearer, shall in that case be held and bound to redeem and discharge immediately, in one sum, the remaining capital, with the interests and charges.

For the accomplishment and performance of all the above-written, the honorable appearer, binds in his aforesaid quality, and thus, in the names, and on the part of the above-mentioned United States of America, the said United States of America, jointly, and each of them in particular, together with all their lands, chattles, revenues, and products, together with imposts and taxes already laid and raised in the same, or in time to come to be laid and raised, and thus of all the United States of America, jointly, and of each of the same in particular, for the whole.

He, the honorable appearer, renouncing in the names as above, for that purpose expressly, *beneficium divisionis*, as likewise *de duobus vel pluribus reis debendi*, signifying a retribution of debts, and that when two or more are indebted,



debted, each of them can satisfy with the payment of their portion ; the honorable appearer promising in his aforesaid quality, never to have recourse to the said, or to any other evasions whatsoever.

This being passed (after translation into English was made hereof, and which likewise is signed by the honorable appearer, and deposited in the custody of me the said notary) within Amsterdam aforesaid, in the presence of

GIDION VICTOR, er } Witnes-  
CORNELIUS MARCHANT, } ses.

(Signed) P. G. VAN HOLE, Notary.

Coll. faithfully translated from the Dutch.

*Amsterdam, this 17th day of June, 1782.*

JOANNES VERGEEL, L. SON, *Sworn Translator.*

#### No. I.

There are fours other of the same tenor and date, numbered, 2, 3, 4, 5, making in the whole five millions guilders ; and each of the said contracts is ratified by Congress, and by their order endorsed as follows :

*Be it remembered*, that the five several contracts or engagements entered into by the honorable John Adams, esq. minister plenipotentiary of the United States of America, to their high mightinesses the lords the states general of the United Netherlands, in behalf of the said United States, bearing date the eleventh day of June, in the year 1782, and purporting to be securities, each of them for the payment of a million of guilders, Dutch current money, by the United States, to certain money lenders, under the negotiation of Messrs. Wilhelm and Jan Willink, Nicolaas and Jacob Van Staphorst, and De la Lande and Fynje, merchants in Amsterdam, were read in Congress, approved and ratified, and the same are hereby ratified and declared obligatory on the said United States.

DONE in the state house at Philadelphia, by the United States of America in Congress assembled, the  
14th

14th day of September, in the year of our Lord  
1782, and in the seventh year of our independence.  
(Signed) JOHN HANSON, *President*.

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The UNITED STATES in CONGRESS assembled,  
To *ALL who shall see these presents, send greeting,*  
WHEREAS Benjamin Franklin, our minister plenipotentiary at the court of Versailles, in pursuance of the powers in him vested, did on the 25th day of February, in the year one thousand seven hundred and eighty-three, with Charles Gravier de Vergennes, &c. counsellor of the king in all his councils, commander of his orders, minister and secretary of state, &c. vested with full powers of his most christian majesty for the purpose, enter into, conclude and sign a contract between his most christian majesty and the United States of North-America, in the words following, viz.

Contract between the king and the Thirteen United States of North-America.

The re-established peace between the belligerent powers; the advantages of a free commerce to all parts of the globe, and the independence of the Thirteen United States of North-America, acknowledged and founded on a solid and honorable basis, rendered it probable that the said states would be in a condition to provide hereafter for their necessities, by means of the resources within themselves, without being compelled to implore the continuation of the succours which the king has so liberally granted during the war: But the minister plenipotentiary of the said United States, to his majesty, having represented to him the exhausted state to which they have been reduced by a long and disastrous war, his majesty has condescended to take into consideration the request made by the aforesaid minister, in the name of the Congress of the said states, for a new advance of money, to answer numerous purposes of urgent and indispensable expences in the course of the present year; his majesty has in consequence determined, notwithstanding the no less pressing

sing necessities of his own service, to grant to Congress a new pecuniary assistance, which he has fixed at the sum of six millions livres Tournois, under the title of loan, and under the guaranty of the whole Thirteen United States; which the minister of Congress has declared his acceptance of, with the liveliest acknowledgements in the name of the said states.

And as it is necessary to the good order of his majesty's finances, and also useful to the operations of the finances of the United States, to assign periods for payment of the six millions livres in question, and to regulate the conditions and terms of reimbursement, which should be made at his majesty's royal treasury at Paris, after the manner of what has been stipulated for the preceding advances by a former contract of the 16th July, 1782.

WE, Charles Gravier, count de Vergennes, &c. counsellor of the king in his councils, commander of his orders, chief of the royal council of finances, counsellor of state, &c. minister and secretary of state, and of his commands and finances, invested with full powers by his majesty given to us for the purpose of these presents;

And WE, Benjamin Franklin, minister and plenipotentiary of the United States of North-America, likewise invested with powers by the Congress of said States, for the same purpose of these presents, after having compared and duly communicated to each other our respective powers, have agreed on the following articles:

#### A R T I C L E I.

The payment of the six millions livres, French money, above-mentioned, shall be made from the funds of the royal treasury, in proportions of five hundred thousand livres, during each of the twelve months of the present year, under the acknowledgements of the minister of the said United States, promising in the name of Congress, and in behalf of the Thirteen United States, to reimburse and refund the said six millions livres, in ready money, at his majesty's royal treasury, at the house of the Sieur Grand, banker at Paris, with interest at five per cent.

per

per annum, at periods hereafter stipulated in the third and fourth articles. The advances which his majesty has been pleased to allow to be made on account of the six millions in question, shall be deducted in the payments of the first month of this year.

## A R T I C L E II.

For better understanding the fixing of periods for the reimbursement of the six millions at the royal treasury, and to prevent all ambiguity on this head, it has been found proper to recapitulate here the amount of the preceding aids granted by the king to the United States, and to distinguish them according to their different classes: the first is composed of funds lent successively by his majesty, amounting in the whole to the sum of eighteen millions livres, reimbursable in specie at the royal treasury, in twelve equal portions of a million five hundred thousand livres each, besides the interest, and in twelve years, to commence from the third year after the date of the peace, the interest beginning to reckon at the date of the peace, to be discharged annually, shall diminish in proportion to the reimbursement of the capital, the last payment of which shall expire in the year 1798.

The second class comprehends the loan of five millions Dutch florins, amounting by a moderate valuation to ten millions livres Fournois, the said loan made in Holland in 1781. for the service of the United States of North-America, under the engagement of the king, to refund the capital, with interest at four per cent. per annum. at the general counter of the states general of the United Provinces of the Netherlands, in ten equal portions, reckoning from the sixth year of the date of said loan; and under the like engagement on the part of the minister of Congress, and in behalf of the Thirteen United States, to reimburse the ten millions of said loan in ready money, at the royal treasury, with interest at four per cent. per annum, in ten equal portions of a million each, and in ten periods from year to year; the first of which shall take place in the month of November, 1787, and the last in the same month

1796,

1796. The whole conformable to the conditions expressed in the contract of 16th July, 1782.

In the third class are comprehended, the aids and subsidies-furnished to the Congress of the United States, under the title of gratuitous assistance from the pure generosity of the king, three millions of which were granted before the treaty of February, 1778, and six millions in 1781, which aids and subsidies amount in the whole to nine millions livres Tournois. His majesty here confirms, in case of need, the gratuitous gift to the Congress of the said Thirteen United States.

### A R T I C L E III.

The new loan of six millions livres Tournois, the subject of the present contract, shall be refunded and reimbursed in ready money, at his majesty's royal treasury, in six equal portions of a million each, with interest at five per cent. per annum, and in six periods, the first of which shall take place in the year 1797, and so on from year to year until 1802, when the last reimbursement shall be completed.

### A R T I C L E IV.

The interest of five per cent. per annum, of the capital of the six millions mentioned in the preceding article, shall begin to be reckoned from the first of January, of the year 1784, and shall be paid in ready money, at his majesty's royal treasury at Paris, on the same day of each year, the first of which shall take place the first of January, 1785, and so on from year to year until the definitive reimbursement of the capital. His majesty being pleased, by a new act of generosity, to present and remit to the Thirteen United States, the partial interest of the present year, which the under-written minister of Congress has declared to accept with acknowledgements, in the name of the said United States.

### A R T I C L E V.

The interest of the capital of the six millions shall diminish

nish in proportion to the reimbursements at the periods fixed in the preceding article; Congress and the United States reserving however, the liberty of freeing themselves by anticipated payments, should the state of their finances admit.

## A R T I C L E VI.

The contracting parties will reciprocally guaranty the faithful observation of the foregoing articles, the ratifications of which shall be exchanged in the space of nine months from the date of this present contract, or sooner if possible.

*In faith whereof*, WE, the ministers plenipotentiary of his majesty, and the Congress of the Thirteen United States of North-America, in virtue of our respective full powers, have signed the present contract, and thereunto affixed the seal of our arms.

DONE at Versailles, the twenty-fifth day of February, one thousand seven hundred and eighty-three.

(Signed) GRAVIER de VERGENNES. (L.S.)  
B. FRANKLIN. (L.S.)

*Now Know Ye*, that we the said United States in Congress assembled, impressed with a lively sense of the assistance and affection manifested by his most christian majesty in the above contract, have ratified and confirmed, and by these presents do ratify and confirm the said contract, and every article thereof. And we do hereby empower our minister plenipotentiary at the court of Versailles, to deliver this our ratification, in exchange for the ratification of the said contract on the part of his most christian majesty.

*In Testimony whereof*, we have caused our seal to be hereunto affixed; *witness*, His excellency ELIAS BOUDINOT, president, this 31st day of October, 1783, and of our sovereignty and independence the eighth.

*Witness*, CHAS. THOMSON, Sec'ry.  
The

A CONTRACT for a LOAN of two million GUILDFERS.  
*The Original is written on a stamped Paper of Eight  
 Shillings.*

Copy, ○ RENDON.

ON the ninth day of March, in the year of our Lord one thousand seven hundred and eighty-four, appeared before me, Lambert Sythoff, notary public, duly acquainted and sworn by the honorable court of Holland, dwelling at the Hague, and in the presence of the under-written witnesses;

The honorable John Adams, esquire, minister plenipotentiary on the part of the United States of America, by their high mightinesses the lords states general of the United Netherlands, &c. &c. &c. in quality as especially qualified, and are authorized by the above-mentioned States of America, to raise a loan with any person or persons, states or companies, with subjoined assurance in good faith to ratify and fulfil all that shall be done in this respect by him, honorable appearer, in his above-mentioned quality, and by virtue of the above-mentioned authority. This original power being exhibited to me, notary, with authentic copy, and the translation of the same, in behalf of the money lenders to be hereafter named, their successors or assigns, and deposited in the custody of the notary Peter Galenus Van Hole, in Amsterdam.

And the honorable appearer acknowledged himself in his aforesaid quality, and thus in the name and on the part of the United States of America, to be duly and lawfully indebted to, and in behalf of Messieurs Wilhelm and Jan Willink, Nicolaas and Jacob Van Staphorst, and Le la Lande and Fynje, a sum of two millions of guilders, Dutch current money, arising from and on account of so much ready money received, to his perfect satisfaction, by him, the honorable appearer, in his above-mentioned quality, and therefore expressly and formally disavowing the excuse de nummis non numeratis of untold monies, and thus the whole to be performed on the following conditions and limitations.

THAT

THAT for the said capital of two millions of guilders, shall be paid annually an interest at the rate of four in the hundred; the said interest beginning with the first day of February, of this year, until the actual liquidation and final accomplishment, on the terms and limitations to be hereafter mentioned and appointed.

That the above-mentioned gentlemen, Messieurs Wilhelm and Jan Willink, Nicolaas and Jacob Van Staphorst, and De la Lande and Fynje, shall have the liberty, and so far as is necessary, are hereby empowered to divide the above-mentioned capital, and distribute the same under their firm or signature, and dispose of to others, two thousand obligations, or bonds of participation; each obligation or bond consisting of one thousand guilders, with the coupons of the same for the receipt of the yearly interest of four in the hundred; which obligations or bonds of participation being numbered No. 1, to 2000, inclusive, and attested by a notary public in Amsterdam, shall be of the same power and value as the engrossed copy itself.

That for the advantage of the persons who are participators in the above-mentioned obligations or bonds of participation, a certain number of obligations or bonds, each of one thousand guilders, yielding likewise an interest of four in the hundred, in the year, shall be distributed at the under-mentioned periods, as premiums to the bearers of such numbers as shall have a right and be entitled thereto by a drawing, which is to be three months before, in the presence of a notary public and witnesses.

#### FIRST OF FEBRUARY.

	Capital.
1785, Fifty obligations in all,	50,000
1787, Sixty Ditto,	60,000
1789, Seventy Ditto,	70,000
1791, Ninety Ditto,	90,000
1793, One hundred Ditto,	100,000
1795, One hundred and twenty Do.	120,000
1797, Two hundred Ditto,	200,000

That the obligations or bonds arising from this drawing, shall be likewise signed by Messieurs Wilhelm and Jan Willink, Nicolaas and Jacob Van Staphorst, and De la Lande and Fynje,



Fynje, or the successors of the said gentlemen for the time being, and duly attested by a notary ; unless the United States of America might chuse to pay off and discharge in ready money the premiums thus drawn, six months after the drawing, to do which the honorable appraiser by these presents reserves the liberty for the above-mentioned States of America.

That the redeeming of the above-mentioned obligations or bonds of participation, as also of the premiums falling thereto in consequence of a drawing to be done annually, in the presence of a notary public and witnesses, shall be accomplished at the following periods :

<i>On the first of February, 1801,</i>			
Shall be redeemed,	250,000		
With the obligations distributed			
anno, 1785,           -       -	50,000		
	<hr/>	300 000	
With a gratification at 4 per cent.		12 000	
		<hr/>	
<i>On the first of February, 1802,</i>			
Shall be redeemed,	250,000		
With the obligations distributed			
in 1787,               -       -	60,000		
	<hr/>	310 000	
With a gratification at 5 per cent.		15 500	
		<hr/>	
<i>On the first of February, 1803,</i>			
Shall be redeemed,	250 000		
With the obligations distributed			
in 1789,               -       -	70,000		
	<hr/>	320,000	
With a gratification of 6 per cent.		19,200	
		<hr/>	
<i>On the first of February, 1804,</i>			
Shall be redeemed,	250,000		
With the obligations distributed			
in 1791,               -       -	90,000		
	<hr/>	340 000	
With a gratification of 7 per cent.		23 800	
		<hr/>	
<i>On</i>			

<i>On the first of February, 1805,</i>			
Shall be redeemed,		250,000	
With the obligations distributed			
in 1793,	-	-	100,000
			<hr/>
With a gratification of 8 per cent.			350,000
			<hr/>
<i>On the first of February, 1806.</i>			
Shall be redeemed,		250,000	
With the obligations distributed			
in 1795,	-	-	120,000
			<hr/>
With a gratification of 9 per cent.			370,000
			<hr/>
<i>On the first of February, 1807.</i>			
Shall be redeemed,		500,000	
And the obligations distributed			
in 1797,	-	-	200,000
			<hr/>
With a gratification of 10 per cent.			700,000
			<hr/>
			<hr/>

That for the payment of the yearly interest, and the redemptions or liquidations to be done in consequence of the above-mentioned drawing, of which a due publication shall be made by advertisement in the public newspapers, the honorable appearer, in his aforesaid quality, and thus in the name of the United States of America, promises and engages to remit the necessary monies thereto, to the above-mentioned gentlemen, Messieurs Wilhelm and Jan Willink, Nicolaas and Jacob Van Staphorst, and De la Lande and Fynje, and their successors, in good bills of exchange, products of America, or in ready money, without any abatement or deduction.

That this obligation shall likewise, never be subject to any imposts or taxes, imposed, or yet to be imposed, in the United States of America, or any of them, and there shall also, never be made, or formed by the aforesaid United States of America, or any of them in particular, any resolu-

resolution or convention, whereby the execution and performance hereof, should in any manner be prejudiced or hindered, though it ev n were, which the Almighty forbid, that any war, hostility, or alienation might arise between the United States of America, or any of them, on the one hand, and the states of these lands, or any of them on the other hand, but, on the contrary, that in all circumstances, without any exception, the contents of these presents, shall be punctually performed and executed.

Finally, that the honorable appearer, in his above-written quality, promises and engages, that this obligation, or bond, shall be as speedily as possible, ratified and approved by the above-mentioned United States of America in Congress assembled, and that the original act of this ratification and approbation, with an authentic copy, translation of the same, together with an engrossed copy hereof, shall be deposited in the custody of a notary public in Amsterdā, to be there kept altogether, for the satisfaction and security of the money-lenders, and to remain there so long until the capital and interest of the borrowed monies, as likewise the obligations or bonds arising from the drawing, as is here before appointed and limited, be perfectly acquitted and discharged.

On failure of a punctual discharging, or acquitting of the capital, as well as the interest, at the appointed periods, the whole capital, or that part of the same, which shall at that time be unpaid, may, by the gentleman directors, in behalf of the then jointly money-lenders be demanded, and the honorable appearers above-mentioned principals, the United States of America, shall, in that case, be held and obliged in promptis, to discharge and acquit the due capital, with the interells and charges, the whole in one sum.

For the accomplishment and performance of all the above-written, the honorable appeaser binds, in his above-mentioned quality, and thus in the names, and on the part of the United States of America, jointly and each of them separately, as also, all their lands, chattels,  
revenues

revenues and products, together, with the imposts and taxes already imposed, or hereafter to be imposed and levied, and thus of all the United States, and of each of them in particular, in solicium, and for the whole.

He, the honorable appearer, renouncing in the names above-mentioned, to that end expressly and premeditatedly *beneficium divisionis*, together with *de duobus vel pluribus reis debendi*, signifying a retribution of debts, and that when two or more are indebted, each of them can satisfy with the payment of his portion : the honorable appearer promising in his above-mentioned quality, never to have recourse to the said or to any other evasion or subterfuge whatsoever.

*Thus Done and passed at the Hague, in the presence of*  
FRANCIS JOHN BOSEBOOM, and JOHN PHILIP  
VAN OCTEN, witnesses.

*The Original is duly signed,*  
(Understood)

*Quod Attestor,*

(Signed) L. S Y T H O F F, Notary Public.

The ratification of the above contract by the United States in Congress assembled, is in the words following :

*Be it remembered,* that the within contract or engagement entered into by the honorable John Adams, esq. minister plenipotentiary of the United States of America, to their high mightinesses the lords the states general of the United Netherlands, in behalf of the said States, with Messieurs Wilhelm and Jan Willink, Nicolaas and Jacob Van Staphorst, and De la Lande and Fynje, and their successors or assigns, for a loan of two millions of guilders, dated at the Hague, March the ninth, 1784 ; hath been read in Congress, approved and ratified, and declared obligatory on the United States of America.

DONE in the City-Hall, in the City of New-York, by the United States in Congress assembled, this first day of February, in the year of our Lord one thousand seven hundred and eighty-five, and in ninth year of our sovereignty and independence.

*Tran-*

## A CONTRACT for a LOAN of one million GUILDERS.

*Translation from the Dutch.*

○ WOLFF.

ON the first day of June, in the year one thousand seven hundred and eighty-seven, appeared before me, Peter Galenus Van Hole, notary of Amsterdam, admitted by the honorable court of Holland;

His excellency the honorable John Adams, esquire, minister plenipotentiary on the part of the United States of America, &c. &c. in quality, as especially empowered and authorised by the above-mentioned States of America, in Congress assembled, for and in behalf of said States of America, to raise a loan with any person or persons, states or companies, with subjoined assurance in good faith to ratify and fulfil all that shall be done in this respect, by him, honorable appearer, according to authentic copy and translation of the original commission or power exhibited to me, notary, and deposited in my custody, in behalf of the joint money lenders.

The honorable appearer residing in London, but being now in this city.

And the honorable appearer acknowledged himself in his aforesaid quality, and thus in the name and in behalf of the above-mentioned States of America, to be duly and lawfully indebted to and in behalf of sundry persons or money lenders, in all, a sum of one million of guilders, Dutch current money, arising from and on account of so much ready money received by him the honorable appearer, in his aforesaid quality, to his perfect satisfaction, from the said money lenders, pursuant to the receipt hereafter mentioned to be signed by the honorable appearer, under the authentic copies hereof; expressly and formally disavowing the excuse of untold monies.

And the honorable appearer promised in his aforesaid quality,

G g

quality, to repay and reimburse in this city, the said sum of one million of guilders, free from all costs, charges and damages to the above-mentioned money lenders or their assigns, at the expiration of fifteen years, after the first day of June, 1787, and that in the following manner, to wit:

That the above-mentioned principal shall remain fixed during the space of ten years, and that with the eleventh year, and thus, on the first day of June, 1798, a fifth part, or two hundred thousand guilders of the said principal of one million shall be redeemed, and in the same manner from year to year, until the first day of June, 1802, inclusive; so that the whole principal shall be redeemed and discharged within the above-mentioned space of fifteen years.

And that mean while for said principal, at first for the whole, and afterwards for the residue, at the expiration of every year, interest shall be paid at the rate of five per cent in the year, commencing the first day of June, 1787, and to continue until the final accomplishment, and that on coupons, to be signed by, or on the part of said honorable appearer, in his aforesaid quality.

That the above-mentioned redeeming shall be performed by drawing, in the presence of a notary and witnesses in this city, after the expiration of the first mentioned ten years in such a manner that the Nos. of the bonds or obligations drawn shall be betimes made known in the public papers.

That the payment of the interests, as also the redeeming of the respective periods shall be made at the compting-houses of the hereafter mentioned gentlemen, directors, or at such other places within this city as shall likewise be advertised in the public papers.

That the directors of this negotiation shall be Messieurs Wilhelm and Jan Willink, and Nicolaas and Jacob Van Staphorst, of this city, merchants, who are by these presents thereto named and appointed by the honorable appearer, in his aforesaid quality.

The honorable appearer promising and engaging in the names of his constituents, that the amount of the interests and

and of the redeemings to be made from time to time of the said principal, shall be in due time remitted to the aforesaid gentlemen directors, their heirs or successors, in good bills of exchange, American products, or in ready money, without any abatement or deduction whatsoever.

That this bond or obligation shall never be subject to any impost, or taxes already laid, or in time to come to be laid, in the said United States of America, or any of them, even in case (which God forbid) any war, hostilities or divisions, should arise between aforesaid United States, or any of them on the one side, and the States of these Lands on the other, and, that the payment of the principal or interests of this bond or obligation, accordingly, can in no wise, nor under any pretext whatsoever, be hindered or delayed.

The honorable appearer, in his aforesaid quality, promising and engaging, moreover, for, and in the names of the said United States, that there shall never be made, or entered into by them, or on their parts, or any of them in particular, any convention or treaty, public or private, at the making of peace, or otherwise, by which the validity and accomplishment of these presents might be prejudiced, or, whereby any thing contrary thereto might be stipulated, but, that without any exception the contents hereof shall be kept and maintained in full force.

The honorable appearer, in his aforesaid quality, likewise promises, engages and binds himself by these presents, that this engagement shall be ratified and approved as soon as possible by said United States in Congress assembled and, that authentic copy, translation of said ratification, with the original, shall be deposited in custody of me the said notary, to be there kept with said authentic copy translation of the commission or power of him, honorable appearer, and the engrossed hereof for the security of the money lenders, until the above-mentioned principal and interests as aforesaid shall be redeemed and paid off.

And there shall be made of this act, (as the honorable appearer

appearer in his aforesaid quality consents) above and besides the above-mentioned engrossed, one thousand authentic copies, which shall be of the same force and value, and have the same effect as the engrossed one, under every one of which copies shall be placed a receipt of one thousand guilders, Dutch current money, either on name or in blank, at the choice of the money lenders, to be signed by him, honorable appearer, and which receipts shall be respectively numbered from No. 1, to 1000, inclusive, and and countersigned by the above-mentioned gentlemen directors, and duly recorded by me the said notary, as a testimony that no more than one thousand bonds or obligations are numbered by virtue of this act.

All which authentic copies with the receipts there under placed, shall, at the redeeming of the principal, be restored by the bearers.

On failure of prompt payment, as well of the principal as of the interests at the appointed periods, the principal or residue thereof may be demanded by the gentlemen directors, in behalf of the money lenders, who shall be then interested therein, and the aforesaid constituents and committents of him, honorable appearer, shall in that case be held and bound to redeem and discharge immediately in one sum, the remaining principal, with the interests and charges; for the accomplishment and performance of all the above written the honorable appearer binds in his aforesaid quality, and thus in the names and on the part of the above-mentioned United States of America, the said United States of America jointly, and each of them in particular, together with all their lands, chattles, revenues, and products, and also the imposts and taxes already laid and raised in the same, or in time to come to be laid and raised, and thus of all the United States of America jointly, and each of them in particular, and for the whole.

He, the honorable appearer, renouncing in the names as above, for that purpose expressly, *beneficium divisionis*, as likewise *de duobus vel pluribus reis debendi*, signifying a retribution of debts, and that when two or more are  
indebt-



indebted, each of them can satisfy with the payment of his portion : the honorable appearer promising in his aforesaid quality, never to have recourse to the said or to any other evasions whatsoever.

This being passed, (after translation into English was made hereof, and which likewise is signed by the honorable appearer, and deposited in the custody of me the said notary,) within Amsterdam aforesaid, in the presence of *MARTINUS GERARDUS BRONDGEEST*, and *JACOB DE WOLFF*, witnesses.

(Signed)

JOHN ADAMS,  
M. G. BRONDGEEST,  
J. D. WOLFF,  
P. G. VAN HOLE, *Notry.*

Faithfully translated from the Dutch.

*Amsterdam, the first day of June, anno. 1787.*

JOANNES VERGEEL LAC SON, *Sworn Translator.*

The ratification of the above contract by the United States in Congress assembled, is in the words following :

*Be it remembered*, that the within contract or engagement entered into by the honorable John Adams, minister plenipotentiary of the United States of America, to their high mightinesses the lords the states general of the United Netherlands, in behalf of the said States, with sundry money lenders, for a loan of one million of guilders, Dutch current money dated at Amsterdam, the the first day of June, 1787 ; hath been read in Congress, approved and ratified, and declared obligatory on the United States of America.

DONE in the City-Hall, in the City of New-York, by the United States in Congress assembled, this eleventh day of October, in the year of our Lord one thousand seven hundred and eighty-seven, and in the twelfth year of our sovereignty and independence.



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